DICKINSON LAW REVIEW
PUBLISHED SINCE 1897

Volume 127 | Issue 1

Fall 12-18-2022

The Magic of Fintech? Insights for a Regulatory Agenda from Analyzing Student Loan Complaints Filed with the CFPB

Matthew Adam Bruckner
Howard University School of Law

Christopher J. Ryan
University of Louisville Brandeis School of Law

The Magic of Fintech? Insights for a Regulatory Agenda from Analyzing Student Loan Complaints Filed with the CFPB

Matthew Adam Bruckner & Christopher J. Ryan, Jr.*

Abstract

This Article looks at consumer complaints about student loan lenders and servicers from the Consumer Financial Protection Bureau's (CFPB's) consumer complaint database. Using a novel dataset drawn from 30,678 complaints filed against 212 student loan companies, we analyze consumers' subjective views about whether traditional or fintech student loan lenders and servicers provide a better customer experience. Overall, we find that consumers initiate far fewer complaints against fintech lenders than traditional lenders. But we find that fintech lenders are 28 times more likely than traditional lenders to receive complaints for making confusing or misleading advertisements. Our data also show that complaints against fintech lenders or servicers have not risen in parallel with greater loan volume by those firms. By comparison, traditional lenders and servicers have received rising numbers of complaints. We consider various reasons for this difference, including whether this means fintech student loan companies are providing a better consumer experience.

* Matthew Bruckner is an Associate Professor of Law at Howard University School of Law. CJ Ryan is an Associate Professor of Law at the University of Louisville Louis D. Brandeis School of Law. For their comments, ideas, and suggestions, we owe a debt to Chris Bradley (University of Kentucky Rosenberg College of Law); Pamela Foohey (Yeshiva University Cardozo School of Law); Dalié Jiménez (University of California, Irvine School of Law); Christopher K. Odinet (University of Iowa College of Law); and Matthew Pfaff (Consumer Financial Protection Bureau). We also received very helpful feedback from attendees at the Central States Law Schools Association's 2021 Annual Scholarship Conference. Excellent research assistance was provided by Chiara Phillips, Brooke Radford, and James "Jay" Ramger.

TABLE OF CONTENTS

INTRODUCTION

Over the years, financial services firms have embraced various forms of financial technology. At first, credit scores were the hot, new thing.[1] Now it's Big Data, artificial intelligence, and machine learning.[2] Many people have recently embraced the "fintech" label to describe the firms using new data sources and analytic techniques.[3] By leveraging new data sources and analytic techniques,

1. Matthew Adam Bruckner, *The Promise and Perils of Algorithmic Lenders' Use of Big Data*, 93 CHI.-KENT L. REV. 3, 11 (2018) [hereinafter Bruckner, *Promise and Perils*] ("Although algorithmic lending is often thought of as being a twenty-first century phenomenon, it has been around at least since the introduction of the credit score by Fair, Isaac, and Company ('FICO') in 1989.").

2. *See, e.g.*, Matthew Adam Bruckner, *Regulating Fintech Lending*, 37 BANKING & FIN. SERVS. POL'Y REP. 1, 3 (2018); Bruckner, *Promise and Perils*, *supra* note 1; Matthew Adam Bruckner, *Preventing Predation & Encouraging Innovation in Fintech Lending*, 72 CONSUMER FIN. L.Q. REP. 370, 370 (2018); Christopher K. Odinet, *Securitizing Digital Debts*, 52 ARIZ. ST. L.J. 477, 477 (2020); Christopher K. Odinet, *Consumer Bitcredit and Fintech Lending*, 69 ALA. L. REV. 781, 783 (2018); Christopher K. Odinet, *The New Data of Student Debt*, 92 S. CAL. L. REV. 1617, 1617 (2019); Andrew Selbst & Solon Barocas, *The Intuitive Appeal of Explainable Machines*, 87 FORDHAM L. REV. 1085, 1085 (2018) (focusing on inscrutability of AI/ML models); FRANK PASQUALE, THE BLACK BOX SOCIETY: THE SECRET ALGORITHMS THAT CONTROL MONEY AND INFORMATION (2015).

3. Christopher G. Bradley, *FinTech's Double Edges*, 93 CHI.-KENT L. REV. 61, 61 (2018) ("New financial technologies—commonly identified by the portmanteau 'FinTech' or 'fintech' . . . ."); Nikita Aggarwal, *The Norms of Algorithmic Credit Scoring*, 80 CAMBRIDGE L.J. 42 (2021) (discussing how algorithmic credit scoring differs from conventional credit scoring); KRISTIN N. JOHNSON, EXAMINING THE USE OF ALTERNATIVE DATA IN UNDERWRITING AND CREDIT SCORING

fintech firms are supposedly producing real benefits for consumers, such as faster and more convenient access to financial products.[4] Some people see fintechs as "an enormous opportunity to improve access to credit on fair terms" and feel that various regulations are impediments to that opportunity.[5] Others, including many consumer advocates, worry that fintech firms may be offering perilous financial products "without adequately evaluating the risks. They believe that some fintech trends may not only be unfair to certain consumers but could serve to exacerbate existing inequities in financial access and result in the digital equivalent of redlining."[6]

This Article contributes to the discussion of whether fintech lending[7] benefits consumers by considering how borrowers subjectively view their experiences with financial service providers. We do so by tapping into a novel dataset of student loan complaints selected from the CFPB's consumer complaint database.[8] This Article is one of only a small number of articles that uses the CFPB's con-

TO EXPAND ACCESS TO CREDIT, https://bit.ly/3yv4h50 [https://perma.cc/W9Q8-7A3E] ("Unlike legacy credit scoring businesses such as Equifax, Experian and Transunion that rely on commercially available credit scoring models like the Fair Isaac Corporation Lenders ('FICO') methodology fintech firms increasingly rely on alternative credit scoring models and nontraditional source data."); Nathalie Martin & Pamela Foohey, *Fintech's Role in Exacerbating or Reducing the Wealth Gap*, 2021 U. ILL. L. REV. 459, 459 (2020); Pamela Foohey, *Consumers' Declining Power in the Fintech Auto Loan Market*, 15 BROOK. J. CORP. FIN. & COM. L. 5, 5 (2021) [hereinafter Foohey, *Declining Power*].

4. CAROL A. EVANS, KEEPING FINTECH FAIR: THINKING ABOUT FAIR LENDING AND UDAP RISKS (2017), https://bit.ly/3P64VfI [https://perma.cc/7669-CNU4]; *see also* EXEC. OFF. OF THE PRESIDENT, BIG DATA: A REPORT ON ALGORITHMIC SYSTEMS, OPPORTUNITY, AND CIVIL RIGHTS 11 (2016), https://bit.ly/3Q3zjIG [https://perma.cc/6NZZ-UUTS] ("Big data and associated technologies have enormous potential for positive impact in the United States.").

5. EVANS, *supra* note 4; Christopher K. Odinet, *Predatory Fintech and the Politics of Banking*, 106 IOWA L. REV. 1739, 1739 (2021) [hereinafter Odinet, *Predatory Fintech*] (noting that some entities "proclaim that [their] innovations in financial technology will 'bank the unbanked' and open new channels to affordable credit"); Bruckner, *Promise and Perils*, *supra* note 1 (noting that some groups that could benefit from expanded credit access include "young adults, immigrants or men or women recently divorced").

6. EVANS, *supra* note 4; *see, e.g.*, Kristin Johnson, Frank Pasquale & Jennifer Chapman, *Artificial Intelligence, Machine Learning, and Bias in Finance: Toward Responsible Innovation*, 88 FORDHAM L. REV. 499 (2019); Aggarwal, *supra* note 3 ("The fearful, on the other hand, emphasise the dangers of *in*accuracy, opacity, and unfair discrimination due to algorithmic credit scoring, and more broadly, the loss of privacy, autonomy, and power in a society dependent on algorithmic decision-making.").

7. *See infra* notes 101–04 and accompanying text for our definition of fintech lenders.

8. *See infra* notes 113–23 describing our dataset.

sumer complaint database for any purpose.[9] Furthermore, our Article is the only known instance of using the CFPB dataset to evaluate student loans. And, in particular, we use the dataset to evaluate whether student loan borrowers believe that fintech lenders fulfill their promise to create valuable consumer financial products that could warrant reduced regulatory scrutiny.

Federal regulators at the CFPB and the Office of the Comptroller of the Currency (OCC) have led bipartisan efforts to "reduce potential barriers to innovation." New programs, such as no-action letters, regulatory sandboxes, and the so-called "fintech charter" are often aimed squarely at "fintech" companies.[10] These new programs seek to further the regulatory aims of promoting "innovation, competition, and consumer access within financial services."[11] Professor Christopher K. Odinet argues that "[t]his exuberance for all things tech in finance has led to a quiet yet aggressive deregulatory agenda, including, as of late, a federal assault via rulemaking

9. *See, e.g.*, Pamela Foohey, C*alling on the CFPB for Help: Telling Stories and Consumer Protection*, 80 L. & CONTEMP. PROBS. 177, 179 (2017) [hereinafter Foohey, *Calling on the CFPB*] (focusing on the expressive role of the CFPB's complaint database); Odinet, *Consumer Bitcredit and Fintech Lending*, *supra* note 2, at 826–42 (reviewing "complaints against fintech lenders" to "pull[ ] back the veil on this very important and growing sector of the fintech economy"); Angela Littwin, *Why Process Complaints? Then and Now*, 87 TEMP. L. REV. 895, 903 (2015) (using almost 300,000 observations from a time before the CFPB's database contained complaint narratives to explore why the CFPB processes consumer complaints and whether the resources it expends in doing so are justified); Ian Ayres, Jeff Lingwall & Sonia Steinway, *Skeletons in the Database: An Early Analysis of the CFPB's Consumer Complaints*, 19 FORDHAM J. CORP. & FIN. L. 343, 364 (2014) (analyzing approximately 110,000 consumer complaints and finding that "complaint rates are statistically higher in ZIP codes with higher concentrations of African-Americans, Hispanics, and seniors"); Katherine Porter, *The Complaint Conundrum: Thoughts on the CFPB's Complaint Mechanism*, 7 BROOK. J. CORP. FIN. & COM. L. 57 (2012) (providing one of the first looks at the CFPB's consumer complaint database).

10. *Competition and Innovation at CFPB*, CFPB, https://bit.ly/3OPo1XD [https://perma.cc/3KUM-TPJM] (last visited Aug. 12, 2022); *see also* Dan Quan, *A Few Thoughts on Regulatory Sandboxes,* STAN. PACS, https://stanford.io/3IkxzYg [https://perma.cc/MA4B-KCKF] (last visited Aug. 12, 2022) ("[A]lthough there is no consensus on the definition of a sandbox, the FCA has defined it as 'a "safe space" in which businesses can test innovative products, services, business models and delivery mechanisms without immediately incurring all the normal regulatory consequences of engaging in the activity in question.'"); Bradley, *supra* note 3, at 85–87 (discussing sandboxes); Odinet, *Consumer Bitcredit and Fintech Lending*, *supra* note 2, at 856–57 (same); Matthew Adam Bruckner, *Who's Down with OCC('s Definition of "Banks")?*, 24 U. PENN. BUS. L.J. 144 (2021) [hereinafter Bruckner, *OCC*] (discussing the OCC's new fintech charter).

11. *Competition and Innovation at CFPB*, *supra* note 10; *see also CFPB Grants Two Companies Entry into Its Compliance Sandbox*, JD SUPRA, https://bit.ly/3RgTweS [https://perma.cc/4VDK-SPMA] (last visited Aug. 5, 2022); Bruckner, *OCC*, *supra* note 10.

on the ability of states to police the cost and privilege of extending credit within their borders."[12] But is this deregulatory agenda for fintech companies warranted?[13] Some state governments appear to disagree and have created mini-CFPBs to fill a perceived regulatory void at the national level.[14]

Several researchers have examined whether fintech lenders increase the quantity and quality of credit, particularly for lower-income and minority customers. The results are somewhat ambiguous. For example, Professors Robert Bartlett, Adair Morse, Richard Stanton, and Nancy Wallace found that fintech lenders continue to engage in "impermissible discrimination" and charge otherwise-equivalent "Latinx/African-American borrowers 7.9 and 3.6 basis points *more* for purchase and refinance mortgages respectively, costing them $765 [million] in aggregate per year in extra interest."[15] However, on a positive note, their study also found that fintech lenders do *reduce* rate disparities by more than one-third and show no discrimination in rejection rates.[16]

This latter finding is supported by work published by Federal Reserve economists Julapa Jagtiani and Catharine Lemieux, who

---

12. Odinet, *Predatory Fintech, supra* note 5, at 1739.

13. "Banks have been concerned about the uneven playing field because Fintech lenders are not subject to the same rigorous oversight." Julapa Jagtiani & Catharine Lemieux, Fintech Lending: Financial Inclusion, Risk Pricing, and Alternative Information, at Abstract (Dec. 26, 2017) (unpublished manuscript), https://bit.ly/3Q3zVOj [https://perma.cc/3EM6-FRRF].

14. Eric R. Hail & Michael C. Lee, *A Spur to Innovation or an Impending Crackdown on Lenders and Fintech Companies?*, HUNTON ANDREWS KURTH (Feb. 12, 2020), https://bit.ly/3AwTrxO [https://perma.cc/34V2-E4WP].

> California is not alone. Several other states have responded to the CFPB's perceived inaction and funding issues by creating their own "mini-CFPBs." For example, Pennsylvania created its Consumer Financial Protection Unit in 2017. Meanwhile, New York launched the New York Department of Financial Services in 2019 and New Jersey's Office of the Attorney General recently proclaimed that the state's Division of Consumer Affairs serves as a "state-level CFPB."

Id. U.S. Senator Sherrod Brown also recently called on the CFPB to explain how it is protecting consumers from predatory fintechs. *See Brown Presses CFPB to Address Risks to Consumers from Fintechs like Chime*, OFF. OF SHERROD BROWN, U.S. SEN. FOR OHIO (July 27, 2021), https://bit.ly/3RgFH04 [https://perma.cc/6J2A-H9ZP].

15. Robert Bartlett, Adair Morse, Richard Stanton & Nancy Wallace, Consumer Lending Discrimination in the FinTech Era 1 (May 2019) (unpublished manuscript) (emphasis added), https://bit.ly/3NQz0Pi [https://perma.cc/U3VK-QXZF].

16. *Id.* at 2 ("Second, in the loan accept/reject decision (as opposed to pricing), FinTech lenders reveal no evidence of discrimination, in contrast to our evidence of discrimination in rejection rates for traditional lenders.") and 21 ("Focusing on the effect of FinTech, we find that FinTech lenders discriminate approximately one-third less than lenders overall in terms of pricing.") [quotes from May 2019 draft).

found that "for the same risk of default, consumers pay smaller spreads on loans from the Lending Club [a fintech lender] than from traditional lending channels."[17] Jagtiani and Lemieux also argue that Lending Club uses alternative data to offer better credit terms to "some borrowers who would be classified as subprime by traditional criteria."[18] In other words, fintech lenders may represent an improvement over the status quo in terms of loan pricing, even though they do not completely close the gap. [19] Additionally, Jagtiani and Lemieux find that some fintech lenders offer credit in "areas that could benefit from additional credit supply—such as areas that lose bank branches and in those in highly concentrated banking markets."[20]

Even if some fintech lenders increase credit access, some have argued that greater access itself is problematic.[21] Working from a more theoretical lens, scholars like Abbye Atkinson have argued against the increase of credit access as a solution to people's financial problems.[22] As Professor Atkinson writes:

> At its best, credit is a mechanism of intertemporal and intrapersonal redistribution. However, low-income Americans often struggle with persistent financial instability, and decades of data show that they can reasonably expect to be in worse economic shape as time progresses. As an essential matter, then, the problem of entrenched and enduring poverty that leaves people consistently unable to afford basic necessities cannot be addressed by a device that requires future prosperity and economic growth.[23]

Professor Atkinson's description of how credit operates is salient in the context of student loans. A student borrower can delay paying education-related expenses until that individual enters the

---

17. Jagtiani & Lemieux, *supra* note 13.

18. *Id.*

19. *See* Bruckner, *Regulating Fintech Lending*, *supra* note 2.

20. Jagtiani & Lemieux, *supra* note 13.

21. Marco Di Maggio & Vincent W. Yao, *FinTech Borrowers: Lax-Screening or Cream-Skimming?*, 34 REV. FIN. STUDS. 4565 (2021) (finding evidence that fintech lenders enable households with a particular desire for immediate consumption to finance their expenses and borrow beyond their means).

22. Abbye Atkinson, *Rethinking Credit as Social Provision*, 71 STAN. L. REV. 1093, 1093 (2019). Professor Atkinson's theoretical insights have received some support from the empirical literature. For example, Di Maggio & Yao found that "households borrow from FinTech lenders to support higher consumption levels. This makes them overextended and more likely to default. These results are even more pronounced for low credit score borrowers." *See* Di Maggio & Yao, *supra* note 21.

23. Atkinson, *supra* note 22, at 1093.

labor market. At which point, the student will (hopefully) have obtained a better paying job than the jobs available in the absence of that education. Yet, the private student loan originators have long relied on 20th century standards of credit extension.[24] Fintech firms in this sector expressly claim to use a wider array of data and novel underwriting techniques when making and servicing loans to yield more equitable results.[25] But it is still an open question as to whether they do, in fact, produce more equitable outcomes. [26]

Our Article contributes to the discussion of whether to encourage fintech lending by lowering regulatory burdens by looking at the issue from a very different perspective. We assess credit quality by considering how borrowers subjectively view their experience with financial service providers instead of trying to objectively assess credit quality by looking at its price, or the incidence of "misselling, fraud, and poor customer service."[27]

The CFPB collects consumer complaints about a wide range of consumer financial products that fall under its regulatory umbrella. We sought to analyze all the student loan complaints ever filed and, ultimately, reviewed more than 30,000 of them. Among other things, we collected information about whether the complaints related to loans originated or serviced by fintech firms. We find that student loans originated or serviced by fintech lenders appear underrepresented in the total number of complaints received by the CFPB across most student loan complaint categories. In particular, our data show that complaints against fintech lenders and servicers have not risen in parallel with loan volume despite complaints

---

24. Bruckner, *Promise and Perils*, *supra* note 1, at 12 ("Starting in 2006, a new type of lender appeared on the scene, threatening to disrupt the traditional method of obtaining a loan.").

25. *See, e.g.*, *This Is Upstart*, UPSTART (2022), https://bit.ly/3bZmS19 [https://perma.cc/8ZHC-5RG2].

> Upstart is a leading artificial intelligence (AI) lending platform designed to improve access to affordable credit while reducing the risk and costs of lending for our bank partners. By leveraging Upstart's AI platform, Upstart-powered banks can offer higher approval rates and experience lower loss rates, while simultaneously delivering the exceptional digital-first lending experience their customers demand.

Id.; *see infra* notes 101–04 and accompanying text for our definition of fintech.

26. *See, e.g.*, STUDENT BORROWER PROTECTION CENTER, EDUCATIONAL REDLINING 7 (2020), https://bit.ly/3nMN6a8 [https://perma.cc/E5FP-XZ3B] (using mystery shoppers and finding that "holding all else constant, borrowers who attend community colleges, Historically Black Colleges and Universities (HBCUs), and Hispanic-Serving Institutions (HSIs) will pay significantly more for credit because of people's assumptions and prejudices regarding those who sit next to them in the classroom").

27. Taylor A. Begley & Amiyatosh Purnanandam, *Color and Credit: Race, Regulation, and the Quality of Financial Services*, 141 J. FIN. ECON. 48, 48 (2021).

against traditional lenders and servicers rising in parallel to increases in loan volume.[28] Although overall complaints against fintech firms are lower than expected, we found that borrowers are 28 times more likely to complain about fintech lenders making confusing or misleading advertisements.[29]

We believe the CFPB's consumer complaint data for student loans tells us about the important student loan market and about fintech companies more generally. The private student loan market has a variety of concerning issues related to credit quality, including lenders that "may have a higher concentration of borrowers in default or delinquency than the student loan market at-large."[30]

Fintech lenders and servicers have captured an increasing share of the approximately $130 billion private student loan market in recent years,[31] but complaints have not risen in parallel. Why not? One possibility is that fintechs have optimized lending and servicing private student loan products in certain regards but not in other areas. Alternatively, it may be that fintech lenders are reducing their risk of receiving complaints by not lending to consumers who are most likely to complain or by "silently disarm[ing]" complaints from consumers.[32] Given the propensity of certain groups,

28. *See infra* Figure 2 (showing virtually no growth in complaints against fintech lenders) and note 86 (noting that fintech lenders' origination volume has more than doubled in the last few years); Littwin, *supra* note 9, at 910 (reporting that Black consumers filed complaints at a rate that is disproportionate to their share of the general population, but only slightly so). Littwin finds this unsurprising because Black consumers "encounter credit discrimination and frequently have less access to high-quality credit. Thus, they might be more likely to have negative financial experiences that could form the basis of complaints." Littwin, *supra* note 9, at 910.

29. *See infra* Section IV.A.

30. CFPB, 2015 ANNUAL REPORT OF THE CFPB STUDENT LOAN OMBUDSMAN 2 (2015), https://bit.ly/3yoWzJt [https://perma.cc/G8ZK-68P5].

> Last month, the Bureau estimated that more than 25 percent of student loan borrowers are delinquent or in default market-wide. The Bureau observed that at least 30 percent of borrowers with loans made through the Federal Family Education Loan Program (FFELP)—more than 5 million in total—are behind on their loans or are already in default.

Id.

31. *See infra* notes 93–94.

32. Yonathan A. Arbel & Roy Shapira, *Theory of the Nudnik: The Future of Consumer Activism and What We Can Do to Stop It*, 73 VAND. L. REV. 929, 931 (2020). It is possible that fintech lenders are "minimiz[ing] the legal and reputational risks posed by nudniks" through the use "of Big Data and predictive analytics," which provides fintech lenders with "the ability to identify which consumer is a potential nudnik (that is, which consumer is likely to complain publicly and draw attention to [lender] underperformance), before that consumer even [complains]. [Lenders] can then silently disarm nudniks or avoid [lending] to them altogether." *Id.*

such as Black consumers, to file a greater number of complaints, this is a concerning possibility.[33] In any case, our data must be taken in context—a context which includes serious allegations of discrimination by fintech lenders operating in the student loan space.[34]

This Article proceeds in three parts. In Part I, we provide an overview of the CFPB and its consumer complaint database, as well as our use of the data. Next, we foreground our analysis by explaining the student loan market and its participants in Part II. Part III of this Article contains our descriptive and empirical findings based on the quantitative data found in the CFPB's consumer complaint database. Overall, we find that consumers initiate far fewer complaints against fintech lenders than traditional lenders. But we find that fintech lenders are 28 times more likely than traditional lenders to receive complaints for making confusing or misleading advertisements. Our data also show that complaints against fintech lenders or servicers have not risen in parallel with greater loan volume. This is surprising because we see complaints against traditional lenders and servicers rising as loan volumes increase. We consider various reasons for the difference in the number of complaints, including whether this means fintech student loan companies are providing a better consumer experience.

I. CFPB AND THE CONSUMER COMPLAINT DATABASE

The CFPB was created in the wake of the 2008 Great Recession, amid the growing public outcry against banks and other financial institutions.[35] The CFPB is an independent administrative agency that is nestled within the Board of Governors of the Federal Reserve.[36] The CFPB's regulatory jurisdiction is very broad, cover-

33. *See* Ayres, Lingwall & Steinway, *supra* note 9; Littwin, *supra* note 9 (discussing the propensity of certain demographic groups to file complaints relative to their share of the population).

34. STUDENT BORROWER PROTECTION CENTER, *supra* note 26; SECOND REPORT OF THE INDEPENDENT MONITOR, FAIR LENDING MONITORSHIP OF UPSTART NETWORK'S LENDING MODEL (2021), https://bit.ly/3nK3B6v [https://perma.cc/NKK2-Q7LP]; *see also* Odinet, *The New Data of Student Debt*, *supra* note 2; Bruckner, *Promise and Perils*, *supra* note 1 (discussing the risk of discrimination by fintech lenders and noting some holes in our current regulatory regime).

35. Foohey, *Calling on the CFPB*, *supra* note 9, at 177.

36. Adam J. Levitin, *The Consumer Financial Protection Bureau: An Introduction*, 32 REV. BANKING & FIN. L. 321, 340 (2013) ("While technically a bureau in the Fed, the CFPB has complete regulatory independence from the Board of Governors of the Federal Reserve."); Foohey, *Declining Power*, *supra* note 3, at 4 (citing Edward J. Balleisen & Melissa B. Jacoby, *Consumer Protection After the Global Financial Crisis*, 107 GEO. L.J. 813, 824–30 (2019)) (discussing the statutory provision carving out the auto loan market).

ing most firms that provide consumer financial services.[37] The CFPB is meant to serve as the watchdog for the financial services industry, providing protection for consumers of financial products and creating transparency for market participants.[38] Most relevantly, the CFPB's jurisdiction extends to entities that originate and service private student loans.[39]

Among the CFPB's watchdog duties[40] is an obligation to collect and to monitor "consumer complaints regarding consumer fi-

---

37. Levitin, *supra* note 36, at 322; CFPB, THE CFPB STRATEGIC PLAN, BUDGET, AND PERFORMANCE PLAN AND REPORT 36 (2017), https://bit.ly/3QpOqvC [https://perma.cc/4SHX-EYFE].

> The CFPB has supervisory authority over banks, thrifts, and credit unions with over $10 billion in assets and their affiliates (collectively "banks") and over nonbank institutions ("nonbanks"), regardless of size, in certain specific markets: mortgage companies (originators, brokers, servicers, and providers of loan modification or foreclosure relief services); private education lenders; and payday lenders.

Id.; Foohey, *Calling on the CFPB*, *supra* note 9, at 183.

38. RICHARD CORDRAY, WATCHDOG: HOW PROTECTING CONSUMERS CAN SAVE OUR FAMILIES, OUR ECONOMY, AND OUR DEMOCRACY (2020); *see also* Begley & Purnanandam, *supra* note 27 ("In 2010, the Dodd-Frank Act established the CFPB as a watchdog of the financial services industry.").

39. 12 U.S.C. § 5514(a)(1)(D); *see also* CFPB, *supra* note 37, at 36 (noting that "[t]he CFPB also has supervisory authority over larger participants in other non-bank markets as the CFPB defines by rule" and that such a rule was issued for "student loan servicing (effective March 2014)").

> Section 1024 of the Dodd Frank Act authorizes the Bureau to supervise any nonbank that "offers or provides to a consumer any private education loan" as defined under TILA, irrespective of the size of the lender, and gives the Bureau the authority to define the scope of its oversight over other larger nonbank providers of consumer financial products.

STUDENT BORROWER PROTECTION CENTER, PRIVATE STUDENT LENDING 20 (2020) [hereinafter PRIVATE STUDENT LENDING], https://bit.ly/3yNIIhh [https://perma.cc/3AY9-6U6L].

> The private student loan market is booming. Following eight years of substantial year-over-year growth in originations, the total volume of outstanding private student loans is approaching $130 billion—an amount greater than the payday loan market and the total outstanding balance of past-due medical debt. Growth in the private student lending space has accelerated just as the volume of new federal student loans has begun to decline. Annual federal student loan originations fell by more than 25 percent between the 2010–11 and 2018–19 academic years, while annual private student loan originations grew by almost 78 percent over the same period.

Id. at 3.

40. Levitin, *supra* note 36, at 343 ("The CFPB has rulemaking, supervision, and enforcement authority over an extremely broad swath of the consumer financial services industry, but the extent of its rulemaking, supervision, and enforcement powers do not all align."); CORDRAY, *supra* note 38; Begley & Purnanandam, *supra* note 27.

nancial products or services."[41] The CFPB began accepting consumer complaints almost as soon as it opened its doors in 2011.[42] The CFPB collects consumer complaints on a wide range of consumer financial products, including student loans, which it began accepting in March 2012.[43]

A. *The CFPB's Complaint Submission Portal*

The CFPB fulfills its obligations to collect, monitor, and respond to consumer complaints via its (primarily) online complaint submission system.[44] It is a completely voluntary system of complaint reporting, akin to the Better Business Bureau.[45] In other words, complaints are only added to the database when a consumer of a financial product or service feels sufficiently aggrieved to take the time to navigate to the CFPB portal and file a complaint against the alleged wrongdoer.[46] To file a complaint, the consumer must identify—from a pre-existing list—the financial product or service that best matches the one about which the consumer wishes to com-

41. 12 U.S.C. § 5493; *see also* Foohey, *Calling on the CFPB*, *supra* note 9, at 177 (describing this complaint collection and monitoring as one of the CFPB's "primary" functions).

42. *CFPB Publishes over 7,700 Consumer Complaint Narratives About Financial Companies*, CFPB (2015), https://bit.ly/3A4p8Ox [https://perma.cc/2NFL-WYLX] ("The CFPB began accepting complaints as soon as it opened its doors nearly four years ago in July 2011."); CFPB, COMPLAINT BULLETIN 3 (2021), https://bit.ly/3yoZSjR [https://perma.cc/D22H-QNZC]. We note that the portal is not the only way that consumers can submit complaints, as the CFPB accepts complaints via email, mail, fax, and phone, but the vast majority—about 80 percent of all complaints in the database—came to the CFPB via the portal. *See* Charlotte Haendler & Rawley Z. Heimer, The Financial Restitution Gap in Consumer Finance: Insights from Complaints Filed with the CFPB 1 (Jan. 14, 2021) (unpublished manuscript), https://bit.ly/3nMcWL9 [https://perma.cc/ZZ3Y-QZCS] ("Since near its founding in 2011, the CFPB provides services for consumers to file disputes against financial service providers.").

43. CFPB, 2012 ANNUAL REPORT OF THE CFPB STUDENT LOAN OMBUDSMAN 2 (2012), https://bit.ly/3ypDC9E [https://perma.cc/V95M-GADV].

44. Almost 90 percent of complaints are submitted through the CFPB's online portal, which is why that system will be the one we discuss in the text.

> [The CFPF also received complaints] by referral from the White House, congressional offices, and other federal and state agencies, and by telephone, mail, email, and fax. Consumers submitted approximately 89% of complaints by visiting the CFPB's website and 5% by calling the CFPB's toll-free telephone number. The remaining 6% were submitted via postal mail, fax, or referral.

CFPB, CONSUMER RESPONSE ANNUAL REPORT 4 (2020), https://bit.ly/3c4wmsk [https://perma.cc/2MVN-6VU7].

45. *See File a Complaint*, BETTER BUS. BUREAU, https://bit.ly/3AAWGEA [https://perma.cc/UA4Q-JSBU] (last visited July 8, 2022).

46. *See Consumer Complaint Database*, CFPB, https://bit.ly/3c2rq7f [https://perma.cc/6N8X-7BGB] (last visited July 8, 2022).

plain.[47] Next, the consumer follows a series of prompts through a digital form that categorizes the consumer's complaint, including an opportunity for the consumer to submit a narrative discussion of the consumer's complaint. Finally, the consumer identifies the provider of the financial product or service about which the consumer is complaining and provides contact information to receive a reply from the company and from the CFPB.[48] Perhaps obviously, this means the average person that complains is likely somewhat sophisticated and likely feels significantly wronged to complete all these steps to file their complaint.[49]

Since 2012, the CFPB has publicly shared this consumer complaint data via an interactive website.[50] Initially, the CFPB shared more limited data on the consumer complaints, such as "the date of submission, the consumer's zip code, the relevant company, the product type, the issue the consumer is complaining about, and how the company handled the complaint."[51] But a few years later, the CFPB went live with an enhanced version of its consumer complaint database and began sharing consumers' complaint narratives.[52] The CFPB limits or redacts much of this information in its publicly available consumer complaint database because some data contains consumers' personal information.[53] Because some of the data is personally identifiable information of the consumer, the CFPB limits or redacts a good deal of this information in its publicly available complaint database.

---

47. *See* Odinet, *Consumer Bitcredit and Fintech Lending*, *supra* note 2, at 834 ("After complainants select the product or activity related to the grievance, they then select the issue (or what one might say, the problem) they are having with the fintech lender.").

48. Haendler & Heimer, *supra* note 42, at 6.

49. *See* Foohey, *Calling on the CFPB*, *supra* note 9, at 184 ("My dataset thus is restricted to people with Internet access and proficiency in using the web form. Similarly, those consumers who opt in to making their narratives public may differ from other consumers who lodge complaints.").

50. *Consumer Complaint Database*, *supra* note 46; *see also Consumer Financial Protection Bureau Monthly Complaints Snapshot Spotlights Bank Account and Service Complaints*, CFPB (Aug. 30, 2016), https://bit.ly/3StA8vP [https://perma.cc/R5WD-X6WN]. ("In June 2012, the CFPB launched its Consumer Complaint Database, which is the nation's largest public collection of consumer financial complaints.").

51. *CFPB Launches Its First-Ever Monthly Complaint Snapshot to Spotlight Consumer Trends*, CFPB (July 16, 2015), https://bit.ly/3dwj1K5 [https://perma.cc/244E-2F7D].

52. *See Consumer Complaint Database*, *supra* note 46.

53. *How We Share Complaint Data*, CFPB, https://bit.ly/3amBCa2 [https://perma.cc/GF47-MQJ4] (last visited July 8, 2022) ("The CFPB takes reasonable steps to scrub personal information from each complaint that could be used to identify the consumer.").

The CFPB's decision to include consumer complaint narratives empowers consumers to publicly share their accounts of what happened. Consumers are not required to publicly share complaint narratives, but approximately one-third have done so.[54] The narratives are fully searchable and are intended to improve consumer decision-making and to force companies to compete more vigorously.[55] The CFPB also uses this data to fulfill its various statutory obligations and shares it with Congress, the Federal Trade Commission (FTC), other federal and state agencies, and prudential regulators.[56] The database also allows researchers to write papers like this one.

II. A CLOSER LOOK AT STUDENT LOANS

Student loan debt is the second-largest component of overall consumer debt.[57] Student loan debt has doubled in the last decade and tripled since 2006.[58] Aggregate student loan debt now stands at $1.7 trillion and is the largest source of unsecured debt.[59]

54. Some 746,776 consumers have shared their complaint narratives out of 2,168,267 total complaints (as of July 12, 2021). *Consumer Complaint Database*, CFPB, https://bit.ly/3yoPQPG [https://perma.cc/32JY-BA2F] (last visited July 8, 2022). This is a substantial decrease, on a percentage basis, from the initial decisions that customers made when the CFPB first added narratives. Then, the CFPB "reported that 59% of consumers chose to make their stories public." *See* Foohey, *Calling on the CFPB*, *supra* note 9, at 184.

55. *Consumer Complaint Database*, *supra* note 46.

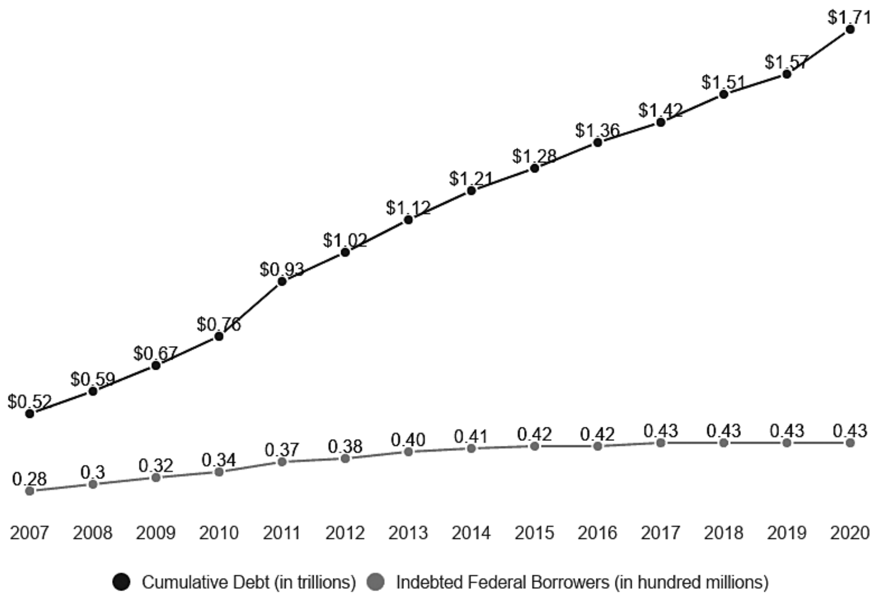
56. 12 U.S.C. § 5493(b)(3)(C)–(D).

57. Zach Friedman, *Student Loan Debt Statistics: A Record $1.7 Trillion*, FORBES (Feb. 20, 2021), https://bit.ly/3Ip6Vh4 [https://perma.cc/26YE-DWQ5].

58. Melanie Hanson, *Student Loan Debt Crisis*, EDUC. DATA INITIATIVE, https://bit.ly/3yR90iM [https://perma.cc/55D2-SGXF] (Jan. 5, 2022).

59. Friedman, *supra* note 57; *see also* CFPB, *supra* note 43, at 4.

FIGURE 1: STUDENT LOAN DEBT GROWTH SINCE 2007



This debt is not spread evenly throughout American society.[60] There are approximately 330 million Americans,[61] and approximately 43 million of them owe some amount of student loan debt.[62] Of Americans with student loan debt, students at for-profit colleges are more likely to rely "on private student loans than their peers at public and private not-for-profit schools. For example, from 2007 to 2008, 46 percent of students at for-profit, four-year schools borrowed a private student loan, compared to 25 percent of students at private non-profit, four-year schools."[63]

The $1.7 trillion student loan market is split into two separate categories.[64] The much larger share of student loans (more than $1.5 trillion) is issued by the federal government directly.[65] The

60. Matthew Adam Bruckner, Brook E. Gotberg, Dalié Jiménez & Chrystin Ondersma, *A No-Contest Discharge for Uncollectible Student Loans*, 91 U. COLO. L. REV. 183, 188–89 (2020).

61. *U.S. Census Bureau QuickFacts*, U.S. CENSUS BUREAU, https://bit.ly/3uz8BPm [https://perma.cc/DV3Z-WSMP] (last visited July 8, 2022).

62. Bruckner et al., *supra* note 61; Hanson, *supra* note 58.

63. CFPB, 2014 ANNUAL REPORT OF THE CFPB STUDENT LOAN OMBUDSMAN 22 (2014), https://bit.ly/3yoS8yg [https://perma.cc/5CVZ-H5M6].

64. *A Look at the Shocking Student Loan Debt Statistics for 2022*, STUDENT LOAN HERO [hereinafter *Shocking Student Loan Debt Statistics*], https://bit.ly/3NLXmKc [https://perma.cc/L6KD-3Y79] (July 29, 2022). The total outstanding student loan debt is now over $1.7 trillion (inclusive of private student loan debt), a debt held by approximately 45 million Americans. *Id.*

65. *Id.*

smaller portion of the student loan market is the approximately $130 billion private student loan market.[66] This Article addresses entities that service both federal and non-federal student loans (student loan servicers), including companies that issue private student loans (student loan originators). It does not discuss complaints related to loans issued directly by the federal government which is, by far, the largest portion of the student loan market.[67] However, this Article discusses loans issued by private lenders that were backed by the federal government under the Federal Family Education Loan Program (FFELP) program.[68]

A. *The Growing Importance of Private Student Loans*

Private student lending and, in particular, lending by fintech companies have grown in importance recently.[69] Between the 2010–11 and 2018–19 academic years, "private student loan originations grew by almost 78 percent."[70] Fintech companies have also become very active in the student loan space, with their origination volume apparently more than doubling between 2015 and 2019.[71] This increase in private student lending coincides with a slow-down in "annual federal student loan originations."[72] Between the 2010–11 and 2018–19 academic years, federal student loan origination volume fell "by more than 25 percent."[73] The simultaneous

---

> 66. Federal student loans are made by the government, with terms and conditions that are set by law, and include many benefits (such as fixed interest rates and income-driven repayment plans) not typically offered with private loans.
>
> In contrast, private loans are made by private organizations such banks, credit unions, and state-based or state-affiliated organizations, and have terms and conditions that are set by the lender.

Federal Versus Private Loans, FED. STUDENT AID, https://bit.ly/3z0xMgx [https://perma.cc/UW5T-QBA7] (last visited July 8, 2022).

67. *Shocking Student Loan Debt Statistics*, *supra* note 65.

68. The Federal Family Education Loan Program (FFELP) provided student loans that were issued by private and state lenders but were backed (or guaranteed) by the federal government. This program has been discontinued, but many borrowers under the program continue to repay their loans according to the terms of the program. *See* Cecilia Clark & Anna Helhoski, *What Are FFELP Student Loans?*, NERDWALLET (Oct. 7, 2021), https://bit.ly/3yr4C8z [https://perma.cc/Q8PK-6VPX].

69. Steve Cocheo, *Fintech Lenders Roaring to Life in the Post-Covid World*, FIN. BRAND (Apr. 1, 2021), https://bit.ly/3akYqHn [https://perma.cc/HGD3-EKM6].

70. PRIVATE STUDENT LENDING, *supra* note 39, at 17; *Shocking Student Loan Debt Statistics*, *supra* note 65.

71. Cocheo, *supra* note 70.

72. PRIVATE STUDENT LENDING, *supra* note 39, at 6; *Shocking Student Loan Debt Statistics*, *supra* note 65.

73. PRIVATE STUDENT LENDING, *supra* note 39, at 3.

drop in direct federal loans and the increase in private student loans indicates that the latter is "quickly taking on an even more substantial role in financial markets and on American families' balance sheets."[74]

The slow-down in federal lending is one reason that the private student loan industry has boomed, but it's not the only one.[75] Many student loan borrowers and borrowers with lower credit scores take private loans even "before they've exhausted their available federal loans."[76] While some fintech lenders entered the student loan market by lending to higher risk borrowers, they eventually shifted to a "cream-skimming" approach.[77] That is, fintech lenders initially lent to higher risk borrowers simply to gain a foothold in the lending markets but then began lending and servicing student loans for borrowers with significantly higher credit scores.[78]

B. *Student Loan Market Players*

There are two types of entities common to the student loan marketplace: servicers and lenders. Most student loan repayments are not funneled through the issuer but through a third-party servicer that collects payments from borrowers.[79] Many servicers work with both federal and private lenders to service their loans.[80] They may also work with private student loan securitization trusts, called SLABS.[81] However, federal student loans are not eligible for fintech lending or servicing—unless those loans are refinanced.[82]

74. *Id.* at 6.

75. *Id.*

76. *Shocking Student Loan Debt Statistics*, *supra* note 65. This is an unfortunate trend because private student loans lack many of the protections offered by federal loans, such as the closed school discharge, often charge substantially higher interest rates, and often require a co-signer. PRIVATE STUDENT LENDING, *supra* note 39, at 6.

77. *See* Di Maggio & Yao, *supra* note 21, at 9, 31.

78. *See id*. at 31. In fact, at present and in the aggregate, fintech borrowers are more likely than borrowers from traditional lending institutions to have both student loans and mortgages, suggesting a move by fintechs to serve borrowers with high creditworthiness. *Id.*

79. *See* CFPB, *supra* note 43.

80. *Id.*

81. *See* Samantha L. Bailey & Christopher J. Ryan, Jr., *The Next "Big Short": COVID-19, Student Loan Discharge in Bankruptcy, and the SLABS Market*, 74 SMU L. REV. 809, 812 (2020).

82. Robert Farrington, *The Complete List of Federal Student Loan Servicers*, COLLEGE INV., https://bit.ly/2Jd6F8A [https://perma.cc/HTF5-6U2W] (Feb. 11, 2022) (listing the companies that service federal student loans, none of which are fintech servicers).

The loan refinancing process results in the private student loan operator serving as both a lender and a servicer of the student loan.[83]

On the lending side, there are several major players in the "highly concentrated" private student lending space.[84] About 70 percent of private student loans (representing about $92 billion in total loan volume) are originated by just a handful of entities, including Sallie Mae, Navient, Wells Fargo, Citizens, Discover, PNC, various state-backed student loan companies, and credit unions.[85] The other 30 percent (representing about $38 billion in total loan volume) are originated by fintech firms, small banks, private non-bank education lenders, private refinancing entities, large regional banks that do not specifically disclose their private student loan exposure (e.g., SunTrust), and institutional loans by accredited schools.[86] Fintech lenders originate new loans and also "consolidate" (i.e., refinance) existing (often federal) loans.[87]

There is much we do not know about the private student loan market, such as "the number of borrowers in it, how much they pay for credit, or how trends in loan terms have changed over time. As a result, billions of dollars in debt used to finance higher education remain out of view for regulators, enforcement officials, and the public."[88] Even borrowers often find it difficult to identify who to speak with about issues with their loans, particularly when their loan has been securitized in a SLAB.[89]

---

83. That process works as follows. Upon repayment, federal loans may be converted to private loans when borrowers elect to have their federal student loans consolidated with a private servicer, including fintechs. And this election triggers repayment of the loan to the federal student loan servicer by the private student loan operator, which will then service the private student loan.

84. CFPB, *supra* note 43, at 2 ("Eighty-seven percent of all student loan complaints were directed at companies. This is not surprising, given that the private student lending and servicing markets are highly concentrated.").

85. *See* PRIVATE STUDENT LENDING, *supra* note 39, at 17. It is not clear what percentage of this "other" category is issued directly by fintech lenders. It is difficult to locate industry-wide data. *But see id.* (noting that fintech lenders' origination volume has more than doubled in the last few years). That said, there is some data available on a lender-by-lender basis. *See generally* Press Release, SoFi, SoFi Technologies Reports Second Quarter 2021 Results (Aug. 12, 2021), https://bit.ly/3oWUyQq [https://perma.cc/TR3G-MQM9] (showing that SoFi's student loan origination volume increased nine percent between Q2 2020 and Q2 2021).

86. *See* PRIVATE STUDENT LENDING, *supra* note 39, at 17.

87. *See, e.g.*, *Private Student Loans*, SOFI, https://bit.ly/2UxCLCL [https://perma.cc/3EGQ-5HXC] (last visited July 5, 2022) (discussing origination); *Student Loan Refinancing*, SOFI, https://bit.ly/3Il55O7 [https://perma.cc/69A4-ZHPY] (last visited July 5, 2022) (discussing refinancing).

88. *See* PRIVATE STUDENT LENDING, *supra* note 39, at 15.

89. CFPB, *supra* note 64, at 27. Even when borrowers know who to speak with, "[t]here does not appear to be evidence that trustees governing securitized pools of private student loans and servicers are actively engaged with one another

By most accounts, the share of student loan originations by fintech lenders has grown substantially in a short time.[90] But accurate assessments are hard to come by for two reasons.

First, fintech firms do not engage in robust public reporting. As such, it is difficult to determine fintech lenders' exact share of the nearly $130 billion private student loan market.[91] But in late 2020, S&P Global Market Intelligence pegged fintech lenders' share at approximately $21.6 billion or 16 percent of the private student loan market, and just over 1 percent of the entire student loan market.[92] And substantial continued growth is expected.[93] A 2018 report by the Government Accountability Office (GAO) sampled ten fintech firms[94] and found that among these firms, their lending to student loan borrowers grew from $3.5 billion in 2015 to $7.8 billion in 2017—more than doubling in two years' time.[95] The S&P Global Market Intelligence predicted that fintechs will reach $32.8 billion

---

to identify creative solutions that would increase loan modification activity." *Id.* Likewise, several so-called "relief" companies have been called to account for making contact with the borrowers they "serve" virtually impossible while:

> [T]arget[ing] forty-four million borrowers . . . struggling to repay student loans but, in fact, inflict[ing] irreversible financial harm by charging borrower unlawful fees. . . . [R]elief companies can now easily reach millions of borrowers by, for example, making robocalls to cell phones, posting phony five-star reviews on social media, and requiring borrowers to e-sign documents disclosing their financial information.

Creola Johnson, *Relief for Student Loan Borrowers Victimized by "Relief" Companies Masquerading as Legitimate Help*, 11 U.C. IRVINE L. REV. 105, 121–29 (2020).

90. Eric Turner, *U.S. Digital Lenders to Double Annual Loan Originations by 2021*, S&P GLOB. (Nov. 20, 2017), https://bit.ly/3aoXmlw [https://perma.cc/M6CV-NWMH].

91. *See* PRIVATE STUDENT LENDING, *supra* note 39, at 17 (estimating that nearly one third (or $38.18 billion as of 2019) of the private student loan market is made up of loans from "small banks, fintech firms, private nonbank lenders, specialty lenders chartered or backed by state governments, and various other market participants who do not currently engage in any meaningful, detailed, publicly accessible reporting").

92. *See* Cocheo, *supra* note 70 (citing the S&P report). Estimates of market share, made by the authors, assumes a $160 billion private student loan market at the end of 2020, as well as a $1.65 trillion figure for the entire student loan market at the end of 2020, against a $21.6 billion estimate of student loan debt controlled by fintechs at the end of 2020. *Id.*

93. Turner, *supra* note 91.

94. U.S. GOV'T ACCOUNTABILITY OFF., FINANCIAL TECHNOLOGY: AGENCIES SHOULD PROVIDE CLARIFICATION ON LENDERS' USE OF ALTERNATIVE DATA (2018), https://bit.ly/3Sp6U1c [https://perma.cc/7H2Q-REC9]. The GAO operationalized a fintech as a lender that uses "technology and innovation to provide financial products and services. Fintech lenders are nonbank firms that operate online and may use nontraditional (also referred to as alternative) data to make loan decisions." *Id.* at 1.

95. *Id.* at 11.

by 2024.[96] Yet, these figures are merely estimates because of the lack of reporting and data from fintech firms in the private student loan sector.

The second difficulty is definitional. Operationalizing a uniform definition for classifying a lender and servicer of loans as a fintech, as opposed to a traditional lender, is problematic. Earlier in this Article, we referenced a definition that can be used to differentiate a fintech from a traditional lender or servicer—to wit, a firm's use of alternative data and 21st century informatics in making its credit extension decisions.[97] But this definition is not narrow enough, as even traditional market participants have gradually embraced less traditional data sources for making their lending decisions.[98] Likewise, so as not to be overly constrictive in our definition, we recognize that many fintech "lenders" do not themselves lend money directly to borrowers, but instead partner with traditional banks.[99] We operationalize fintechs as those firms that: (1) purport to use big data, machine learning, and/or artificial intelligence in making credit lending or servicing decisions;[100] (2) do not

96. *See* Cocheo, *supra* note 70.

97. *See supra* text accompanying note 3. This definition is like the one used by the GAO. *See supra* text accompanying note 95. The OCC doesn't provide a clear definition of fintech lenders, either. *See* OFF. OF THE COMPTROLLER OF THE CURRENCY, POLICY STATEMENT ON FINANCIAL TECHNOLOGY COMPANIES' ELIGIBILITY TO APPLY FOR NATIONAL BANK CHARTERS (2018), https://bit.ly/3Sqa98x [https://perma.cc/XMH4-AD4W]; *see also* Bruckner, *OCC*, *supra* note 10, at 145 (alteration in original) (noting the lack of a "singular definition of a fintech company" but providing a common definition as "'predominantly online, nonbank financial companies using [artificial intelligence or machine learning techniques] to parse unconventional data' in an attempt to increase credit access, lower costs, and/or improve customer satisfaction").

98. *See generally* Dakin Campbell, *Citigroup Adds Alternative Data Sets to Client Portal*, BUS. INSIDER (Sept. 15, 2018, 2:03 PM), https://bit.ly/3IooSML [https://perma.cc/R8ZX-YTRR].

99. *See, e.g.*, Adam J. Levitin, *Rent-a-Bank: Bank Partnerships and the Evasion of Usury Laws*, 71 DUKE L.J. 329 (2021). In fact, Lending Club, which is a prototypical fintech lender, does not lend any money to borrowers. Money is lent by We Bank, and Lending Club only buys an economic participation interest (it buys the vast majority). Were we to code things this way, we would have very few fintech lenders in our analysis below. Odinet, *Predatory Fintech*, *supra* note 5; Odinet, *Securitizing Digital Debts*, *supra* note 2 (highlighting different fintech lending models, such as balance-sheet/direct-funding model and bank-partnership model); *see* Bruckner, *Promise and Perils*, *supra* note 1 (describing how fintech lenders fund their loans). Traditionally, fintech lenders have been non-bank entities, though the OCC seeks to provide bank charters to certain fintech firms. *See* Bruckner, *OCC*, *supra* note 10 (discussing the OCC's new fintech charter).

100. *See, e.g.*, Abkarians, *Giving Credit Where It's Due: Machine Learning's Role in Lending*, HARV. BUS. SCH. (Nov. 13, 2018), https://bit.ly/3PcJ6ey [https://perma.cc/B7L3-TLBD]. Despite this criterion, we classified some companies as fintechs based on our understanding of the market and its participants. *Id.* For

have widely available brick-and-mortar locations;[101] and (3) advertise rates of less than 36 percent APR.[102] Through this definition, we draw a line of demarcation between the alleged market disruptors and traditional market participants.[103]

III. ANALYZING THE CFPB STUDENT LOAN DATA

The private student loan market is large. With so many billions of dollars of consumer debt at play, a slew of companies might be expected to compete to provide financial products and services in the student loan sector.[104] However, there are far fewer companies in the student loan sector than in the mortgage or credit card industries—which are the first- and third-largest consumer debt sectors, respectively.[105] As a likely result, there are less than half as many

example, on its website, SoFi does not talk about using big data, AI, or machine learning. *Id.* That said, using the internet to search for "SoFi" and "machine learning," a searcher will receive results like this one. *Id.*

101. *See, e.g.*, *Private Student Loan Undergrad Rates & Terms*, SOFI, https://bit.ly/3bPXjzA [https://perma.cc/N27D-2RH3] (Aug. 13, 2022). In fact, SoFi's website makes no mention of any physical locations, but it does list a fee schedule. *Id.*

102. This includes converting charges billed as fees into an APR. Including this category helps to distinguish fintech lenders from online payday lenders based on the fees or rates they charge, and it should help make this dataset useful in other contexts.

103. A significant part of the fintech mystique is its online presence. As such, we searched the websites of every company complained about in the CFPB Database's student loan sector to verify our determinations. We also note that most fintech companies are not chartered depository institutions. *See* Bruckner, *OCC*, *supra* note 10 (discussing bank charters for fintech companies). We considered using the lack of a bank charter as part of our definition, but we did not. We excluded this criterion because many other student loan market participants, such as debt collection agencies, also lack bank charters.

104. *Fintech Lenders' Originations Quarter by Quarter*, FIN. BRAND (Apr. 2021), https://bit.ly/3uzm0Xu [https://perma.cc/Q4Z6-PTP4].

105. While we have not mined the CFPB for complaints associated with both the mortgage and credit card debt sectors, we have analyzed it descriptively with respect to mortgages and consumer loans. For example, we found 217,082 complaints about mortgage products, but just 27,559 of these complaints had narratives. Of these, there are exactly 800 companies about which these mortgage complaints were made. The companies receiving the most mortgage-related complaints are the big banks (Wells Fargo (2,569); Bank of America (1,572); and JPMorgan Chase (1,190)), mortgage loan servicers (Ocwen Financial Corporation (2,163); Nationstar Mortgage (2,106); Ditech Financial, LLC (1,434); and Specialized Loan Servicing Holdings, LLC (806)), and general loan servicers (Select Portfolio Servicing, Inc. (1,057); Loancare, LLC (942); and Shellpoint Partners, LLC (750)). It seems that fintech firms have not received as many complaints as the traditional lenders in the mortgage sector. This may be because they have not entered the mortgage market as robustly as other sectors or because thousands of mortgage complaints were dropped from our analytic sample, given that they were not complete observations (i.e., did not contain a narrative). Additionally, there were 31,315 complaints for consumer loans or vehicle loans. Yet, only 7,892 of these complaints had narratives. As such, we restricted our analysis of these com-

companies receiving student loan complaints than companies in the mortgage or credit card complaint categories.[106] The CFPB's student loan ombudsman has described it as "not surprising" that "[e]ighty-seven percent of all complaints were directed at [just] eight companies"[107] because the student loan servicing and origination markets are highly concentrated. Similarly, the CFPB's student loan ombudsman noted that "the distribution of complaints by company is generally consistent with our estimates of relative market shares."[108]

Thus, the share of consumer debt that student loan debt occupies and the relatively few providers of services and products in the sector make it ideal for study. Our data are generally consistent with the summaries reported by the CFPB's student loan ombudsman. [109] But our analysis further interrogates this descriptive trend, and our findings somewhat diverge from and therefore update the 2013 statement of the CFPB's student loan ombudsman. We find that complaints against fintech lenders are underrepresented relative to their growing share of the student loan market.

Yet, the analysis we present in this section of the Article, like the reports of the CFPB's student loan ombudsman, "does not attempt to present a statistically significant picture of issues faced by borrowers. It is, by design, not a random sample and not intended to communicate the frequency to which certain practices exist."[110] Like the CFPB data, this Article illustrates mismatches between the expectations of student loan borrowers and the services they receive.[111]

---

plaints to these observations with narratives. Because many of the consumer loan complaints listed in the dataset were made about vehicle loans, we examined these classifications of products together. Over 20 percent of the complaints in this combined category come from consumers taking issue with some aspect of their vehicle loans (17.66 percent) or vehicle leases (3.26 percent). The largest category, however, was general loans (55.02 percent). Leases (12.16 percent) and installment loans (10.68 percent) accounted for nearly all the rest. Interestingly, the top two companies receiving complaints are a traditional bank (Santander Bank, with 942) and a fintech (Ally Financial, with 570 complaints).

106. Among the complaints with narratives in our dataset, there were 800 different companies in the mortgage complaint data and 536 companies in the consumer loan and vehicle loan data.

107. CFPB, *supra* note 43, at 2.

108. CFPB, 2013 ANNUAL REPORT OF THE CFPB STUDENT LOAN OMBUDSMAN 16 (2013), https://bit.ly/3C4O1Lm [https://perma.cc/HZY8-JRKN].

109. *See generally id.*

110. CFPB, *supra* note 43, at 5.

111. *See id.*

A. *Our Use of the CFPB Data*

The data we use in this study comes directly from the CFPB's online database of consumer complaints. We downloaded every available complaint in the CFPB dataset from its first-available public reporting in March 2012 until March 15, 2020, the date on which we commenced our study.[112] This download yielded well over one million complaints.[113] That is to say, the CFPB complaints dataset is enormous—a treasure trove of data on all manner of financial consumer issues. To make the database manageable, we focused on all student loan complaints in the dataset.[114] At the time we downloaded the database, there were 36,247 total student loan complaints.[115] There was a relatively linear increase in the volume

112. *CFPB Now Taking Private Student Loan Complaints*, CFPB (Mar. 5, 2012), https://bit.ly/3nS5kGY [https://perma.cc/5FL4-SR95]. The CFPB did not begin accepting private student loan complaints until early 2012, and chronologically, the first observable complaint in our analytical dataset is dated March 1, 2012. *Id.*

113. Curiously, as of August 1, 2022, the CFPB's complaint database indicates that there were only 1,529,543 complaints made as of March 15, 2020. However, press releases from the CFPB made clear that they have processed far more complaints during this time. *See* Press Release, CFPB, CFPB Announces New Capability for the Consumer Complaint Database, Expands Ability to View Complaint Data over Time (July 17, 2020), https://bit.ly/3BN310b [https://perma.cc/6UNW-HYF6] ("Since 2011, the Bureau has handled more than 2.3 million consumer complaints."). For a variety of reasons, some complaints that the CFPB receives are never displayed in the online complaint database.

114. *See generally* CFPB, *supra* note 30 (noting that "from October 1, 2014, through September 30, 2015 . . . the Bureau handled approximately 6,400 private student loan complaints, an increase of approximately 23 percent compared to that of the previous year"). Similar statements were found in the 2012–14 annual reports, too. *See, e.g.*, CFPB, s*upra* note 43; CFPB, *supra* note 109; CFPB, *supra* note 64.

115. As of August 1, 2022, there are 57,133 student loan complaints in the CFPB's complaint database for the time period between March 2012 and March 15, 2020. This is also surprising, as it represents a substantial increase in the number of student loan complaints visible when we downloaded the dataset in March 2020. Concerned that we had made a mistake, we reviewed the earlier literature. At least some of these changes appear to have been made by the CFPB. For example, in Ayres, Lingwall & Steinway, *supra* note 9, Ian Ayres, Jeff Lingwall & Sonia Steinway indicate that their dataset was comprised of 110,479 complaints. But when we looked at the database on August 1, 2022, the CFPB reports 119,191 complaints during the time period of their study. Similarly, Pamela Foohey reported studying 63,280 complaint narratives, but when we looked at the database on August 1, 2022, the CFPB reported 78,608 complaints with narratives during the time period of her study. *See* Foohey, *Calling on the CFPB*, *supra* note 9. Finally, Chris Odinet reported on the number of complaints against 11 fintech lenders, but when we reviewed the dataset as of August 1, 2022, we found more complaints than were initially reported. *See* Odinet, *Consumer Bitcredit and Fintech Lending*, *supra* note 2, at 830 (Table 1) (reporting 6 complaints against GreenSky (versus the 83 we found), 171 against Avant (versus the 175 we found), and 88 against Lending Club (versus the 97 we found)). We subsequently learned that complaints are generally not immediately added to the public database. And complaints with narra-

of student loan complaints in the eight-year period of our study. Even though student loan debt now represents the second-largest classification of American consumer debt, student loan complaints represent only a small proportion of all the complaints in the CFPB complaint dataset at the time we downloaded it.[116]

Still, collecting and coding the data for this Article was a significant undertaking, in part, because the CFPB has changed both the data it collects (and does not collect) and how it codes the data. We employed two terrific research assistants from Howard University School of Law—Brooke Radford and Jay Ramger—to help categorize the complained-about companies based upon the representations on those companies' websites.[117] We then double-checked their work. For public companies, we were able to use the U.S. Securities and Exchange Commission's Electronic Data Gathering Analysis and Retrieval (EDGAR) system to compare representations on a given company's website with their annual report. For non-public companies, we used only the companies' own websites.

In the end, we methodically associated every company within the student loan product type with one of four classifications: lender, servicer, debt collector, and student loan guarantor.[118] We further broke out lenders and servicers along the following lines: traditional or fintech;[119] publicly traded, privately-held, state-owned, or not-for-profit lenders; and for-profit, non-profit, or state-

tives are only added to the database after they have been scrubbed of personally-identifiable information, a process that can take several months.

116. *See* Foohey, *Calling on the CFPB*, *supra* note 9, at 187 (sampling complaint narratives and reporting that only 3.5 percent of complaints in her sample relate to student loans).

117. In addition to training the RAs initially and working with them throughout the coding process, the authors also reviewed a sample of the work done by the RAs to confirm their results.

118. In 21 cases, a company about which a complaint had been filed registered values in multiple categories. The most common joint classification was as a lender and servicer, which occurred 17 times.

119. *See* Bruckner, *Promise and Perils*, *supra* note 1, at 12–13. Fintech companies "are usually non-bank financial companies that operate mostly online and use financial technology to market themselves to prospective borrowers, evaluate borrower creditworthiness, and to match prospective borrowers with sources of credit." *Id.*; *see generally* U.S. GOV'T ACCOUNTABILITY OFF., *supra* note 95. We operationalized this definition by using a three-part, conjunctive test. We coded an entity as a fintech company if it operated entirely online (other than back-office functions), claimed to use artificial intelligence and/or machine learning in its lending or servicing operations, and advertised rates of less than 36 percent interest. *See* U.S. GOV'T ACCOUNTABILITY OFF., *supra* note 95. While some entities that charge a higher interest rate might be fairly described as fintech lenders, we used this definition to avoid capturing online payday lenders in our dataset. *See* Bruckner, *Promise and Perils*, *supra* note 1, at 20.

owned servicers. In addition, we cross-walked coding within the CFPB dataset to account for nominal changes in category and coding labels to analyze the full range of our sample.[120] These categorizations were instrumental in grouping companies in our analysis.

B. Looking Within the CFPB Database

After paring down the complaints in the CFPB database to 36,247 involving student loans, we further pruned the data to only complaints involving issues not related to credit reporting.[121] We were left with 30,678 complaints to analyze. These 30,678 consumer complaints were made about just 212 companies. Thus, this product class is ripe for meaningful comparisons between the categorizations of the companies which we imputed.[122] Figure 2 shows the distribution of complaints over time. It shows the volume of complaints is fairly steady from quarter to quarter—notwithstanding a spike in complaints received in early 2017, followed by a drop in complaint totals in late 2018 and early 2019. The growth in complaint volume tracks a fairly linear pattern, on average over the period of observation, despite some anomalies in 2017 and from late 2018 to early 2019. The volume of complaints filed annually has increased over time, as seen in Figure 2 below. Indeed, this trend may be a testament to the fact that the CFPB is viewed by borrowers as a legitimate forum for bringing complaints against financial institutions that lend and service student loans.

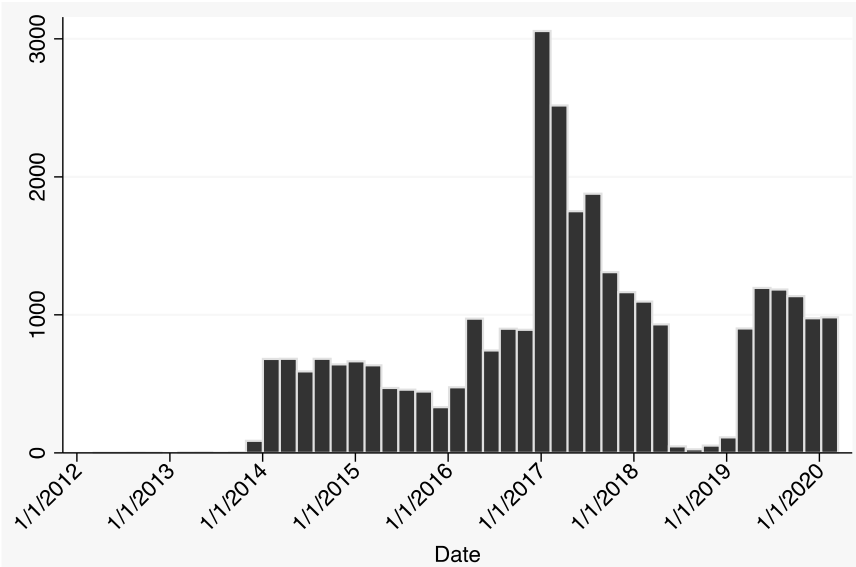
---

120. *See generally* Haendler & Heimer, *supra* note 42, at 7. For example, we—like other researchers—had to reconcile the initial product and subproduct categorization codings used by the CFPB pre-April 2017 and post-April 2017, when it made a slight alteration to these codings in our sample.

121. This is in fact what the "issue" choices in the CFPB complaint filing system attempt to do, but because the product class of student loan precedes the issue choice, credit reporting issues still enter the dataset but do not implicate student loan services or products, and thus, we purged the dataset of these complaints. The remaining issue choices include getting a loan, dealing with a lender or servicer, and struggling to repay a loan. All 3 of these issue choices comprise the 30,678 complaints left in the dataset.

122. We began with a dataset of complaints against 233 companies. However, 21 of these companies, all of which had 10 or fewer complaints, were unidentifiable for purposes of our categorization mainly because they are defunct and without a trace remaining on the web. It is not surprising that there are so few companies complained about, "given that the private student lending and servicing markets are highly concentrated." CFPB, *supra* note 43, at 2 (reporting that "[e]ighty-seven percent of all student loan complaints were directed at just seven companies").

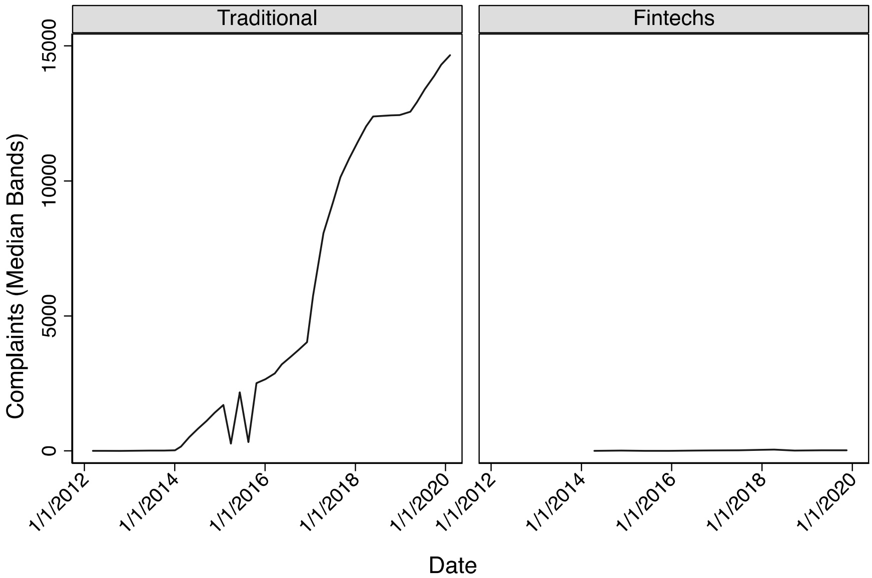
FIGURE 2: FREQUENCY OF ALL STUDENT LOAN COMPLAINTS WITH NARRATIVES BY DATE FILED (NON-CUMULATIVE)



As shown in Figure 3, the volume of total complaints has increased substantially. The dramatic increases in 2017 and late 2019 confirm the trends seen in Figure 2. However, Figure 3 illustrates that volume is almost entirely captured by complaints related to loans originated by traditional lenders rather than by fintech lenders; the volume for fintech lenders remained fairly stable over the observation period.[123] As noted previously and in Table 1 below, this descriptive finding is not surprising considering the majority of the lenders receiving the largest complaint totals were traditional lending companies and complaints against fintech companies were significantly fewer.

123. *See also infra* Figure 4. We note that we use our analytic sample, here, in producing this graph. *See id.* Our analytic sample comprises student loan complaints filed with the CFPB and containing a narrative as opposed to all student loan complaints filed with the CFPB. *See id.*

FIGURE 3: CUMULATIVE MEDIAN COMPLAINTS OVER TIME



There were 212 companies in our sample, which were categorized as either traditional or fintech. While there are dozens of state-specific agencies named in the complaints (e.g., New York State Higher Education Services Corporation), the overwhelming majority of complaints are made by consumers of Navient (14,855)—a Sallie Mae spinoff—and American Education Services (AES)/Pennsylvania Higher Education Assistance Agency (PHEAA) (4,877)—the federal loan servicer for the Public Service Loan Forgiveness program and a host of other student loan programs.[124] Nelnet, SLM Corp. (Sallie Mae), and Wells Fargo round out the companies in the top five highest complaint totals.[125] Yet, some traditional lenders, like Bank of America (60),[126] seem to net

124. CFPB, *supra* note 43, at 13 ("The company that received the most complaints was Sallie Mae, which operates large platforms engaged in origination, servicing, and collections. The number of complaints per company does not seem particularly disproportionate to their number of loans."); *see also About AES,* AM. EDUC. SERVS., https://bit.ly/3PbPzqJ [https://perma.cc/7BDS-YQYR] (last visited July 5, 2022) (discussing the establishment of AES by PHEAA to service federal loans). We note that PHEAA has notified the federal government that it will not renew its contract as the primary federal loan servicer after 2021 and instead seeks to pivot toward collections. Danielle Douglas-Gabriel, *One of the Nation's Largest Student Loan Servicers Plans to Cut Ties with the Education Department*, WASH. POST (July 8, 2021, 2:59 PM), https://wapo.st/3OXUZFB [https://perma.cc/BG6C-KPLD].

125. *See infra* Table 1.

126. The outliers for traditional lenders are Wells Fargo, with 841 complaints, and JPMorgan Chase, with 382 complaints.

roughly the same number of complaints as fintech lenders, like SoFi (72).[127] This is surprising because fintech lenders tout their ability to automate processes, thus facilitating quicker lending decisions once borrowers apply. For instance, a fintech servicer might immediately activate an interest rate reduction incentive for auto-debiting payments instead of requiring a paper application, which might not be processed for one or more billing cycles.[128] Even the CFPB's student loan ombudsman suggested that one source of complaints against traditional lenders is their failure to modernize "legacy processes."[129] While one would expect fintech companies to deploy innovative processes that would not cause such problems, fintech companies seem just as susceptible to receiving complaints as some large traditional lenders but pale in comparison to juggernauts in the federal and private student loan market, like Navient, AES/PHEAA, and Nelnet.[130]

TABLE 1: COMPLAINANT TOTAL BY COMPANY

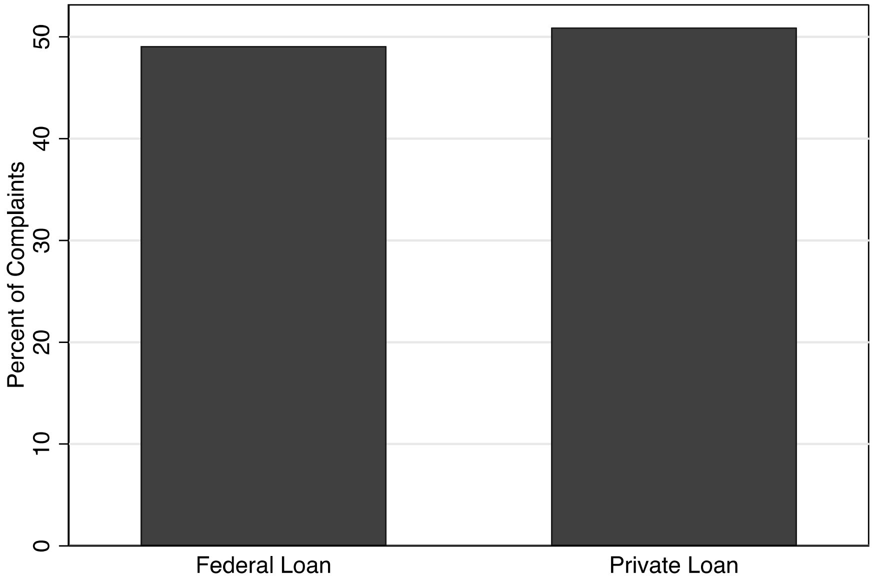
Entity Type	**Total # of Complaints**	**Percentage of All Complaints**
Navient, LLC	14,885	48.50%
AES/PHEAA	4,877	15.89%
Nelnet, Inc.	1,562	5.09%
SLM Corp.	1,005	3.27%
Wells Fargo & Co.	840	2.37%
All Others	7,519	24.88%

Many of the top companies netting complaints service federal loans primarily or exclusively—like Navient and AES/PHEAA. However, complaints from borrowers of non-federal (i.e., private

127. *See infra* Table 1.
128. CFPB, *supra* note 43, at 8–9 (identifying this as a possibility in 2012).
129. *See, e.g.*, *id.* (including paper-based application processes).
130. CFPB, *supra* note 109 (writing that it appears "that many student loan servicers are not taking proactive steps to avoid" the issues that plagued mortgage servicers). The 2013 CFPB student loan ombudsman's report also noted that "there appears to be significant growth in the nascent refinance market." *Id.* at 18. It should be noted that SLM Corp. primarily lent and serviced federal student loans through the late 1990s, but after its federal charter was terminated in 2004, it services primarily private student loans as well as legacy FFELP loans now. Finally, while purely anecdotal, all the refinance offers one of the authors has received for his student loans come from fintech lenders like Earnest and SoFi. One might think that borrowers would be happy with these companies for helping them retire high-rate obligations and would, therefore, complain about them less often.

and state-sponsored) loans occur nearly as frequently as complaints from borrowers of federal loans in the CFPB dataset. Figure 4 shows that consumers complain approximately as often about federal student loans (49.08 percent) as non-federal student loans (50.92 percent). The closeness in the number of complaints may be surprising given that more than 90 percent of all student loans are federal student loans.[131] However, this result is likely due to two factors. First, this result is driven by complaints against servicers of federal loans—often private companies that never originated the loan in the first place. Second, some servicers, like Navient, service both federal and non-federal loans.[132] When a lender's or servicer's business processes are particularly unsatisfactory to borrowers, the lender or servicer is likely to receive complaints across the board, regardless of loan type. We are of the view that the complaint totals provided in Table 1, above, speak for themselves—at least with respect to the top five companies by total complaints received—but we specifically discuss complaints against servicers of federal loans in Section C, below.

FIGURE 4: STUDENT LOAN COMPLAINTS BY SUB-PRODUCT



Classifying student loan complaints by sub-product and examining the market share in relation to complaint does not answer

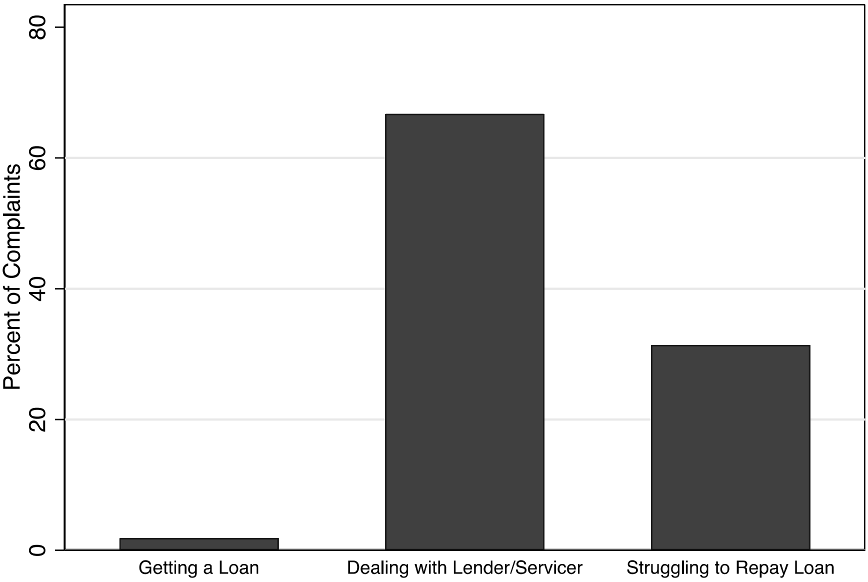
131. *Shocking Student Loan Debt Statistics*, *supra* note 65.
132. *In Repayment*, NAVIENT, https://bit.ly/3OXK9zd [https://perma.cc/8NKY-7KMY] (last visited July 8, 2022).

why student loan borrowers complain in the first place. The next figure puts this issue into brighter relief. Interestingly, Figure 5 shows the overwhelming majority of student loan complaints arise from issues dealing with the lender or servicer (66.76 percent).[133] In other words, the driving force behind most complaints is the borrower's interactions with the company lending or servicing the loan—far more than any of the other issues combined.

There are three other potential complaint categories, only two of which we analyze in this Article. The second-largest is "struggling to repay your [student] loan," which received less than half as many complaints as the issue of dealing with the lender or servicer (31.39 percent). The issue of being unable to get a student loan (1.85 percent) registered as a very distant third issue. We have omitted a fourth issue—problems with credit reports or credit scores—because it is beyond the scope of our inquiry. Thus, there is much more commonality between consumers who file a student loan-related complaint than perhaps any other product class in the CFPB database.

133. This has been the case from the get-go, with the first report of the CFPB's student loan ombudsman reporting in 2012 that "[t]he vast majority of the complaints were related to loan servicing and loan modification issues." CFPB, *supra* note 43, at 2. As we allude to in the text, *infra* p. 35, we have screened out one of the four potential complaint options—"problem with credit score"—as this was outside the scope of our analysis and deals not with a borrower's issue with lenders and servicers but credit reporting companies. *See id.* Thus, we report descriptive data from the three largest categories of borrowers' issues dealing with their loans specifically: issues dealing with lenders or servicers, struggling to repay a student loan, and inability to get a student loan. *See id.*

FIGURE 5: STUDENT LOAN COMPLAINTS BY ISSUE



C. Descriptive Results of Student Loan Complaints in the CFPB Database

We examined the CFPB dataset beyond the descriptive trends described in the previous section. Most of the complained-about companies were student loan lenders or servicers. A substantial majority of complaints were made against companies that functioned both as lenders and servicers. As indicated in Table 2 below, more than half of all the complaints we analyzed (55.45 percent) were made against companies that act as both lenders and servicers, though consumers may only be complaining about these companies in their capacity as a lender or servicer only. Slightly more than one quarter (27.41 percent) of all complaints were against companies that were purely servicers, 8.5 percent were against companies that were purely lenders, and 8.37 percent were complaints about all others (including debt collectors and student loan guarantors).

TABLE 2: COMPLAINANT COMPANY TYPE AND PERCENTAGE

Entity Type	Total # of Complaints	Percentage of All Complaints
Lenders	2,607	8.5%
Servicers	8,410	27.41%
Lender-Servicers	17,012	55.45%
Other	2,568	8.37%

In the student loan sector, loan servicers appear to be at a greater risk of consumer complaints than non-servicer businesses. More than 25,000 of the approximately 30,000 total complaints we analyzed were made against companies that service loans on some level. However, this explanation of our associational finding fails to fully consider what it takes for a student loan company to receive a complaint filed by a borrower. In short, it takes a sophisticated borrower with time and the inclination to complain—which is to say, in our estimation, we expect that there are a limited number of frivolous student loan complaints in the dataset.[134] In fact, a more likely concern is that serious complaints are never filed because of resource constraints on potential filers.[135]

Almost all the complaints in our dataset relate to loans made by traditional lending companies rather than fintech lenders. [136] Astoundingly, just 142 of all complaints in our dataset relate to loans made by a fintech company, which is less than half of 1 percent of all complaints (0.46 percent). That said, and as detailed in the next section, fintechs are overrepresented in certain complaint categories. However, cumulative median bands for complaints about fintech lenders also remained fairly stable, while cumulative median complaints about traditional lenders grew significantly over the

134. *See* Odinet, *Consumer Bitcredit and Fintech Lending*, *supra* note 2, at 829 ("Generally it is only those with more education and economic resources who use the complaint function, which is not surprising since it takes some internet savvy and access to tech resourses [sic] in order to navigate the CFPB's online portal and submit a complaint.").

135. *See id.*

> Also, minority groups and the elderly, due to often being the targets of predatory financial practices, make up a significant portion of the broader complaint pool. Thus, it might be that many more individuals, likely falling into one or more of these minority categories but lacking financial resources or education, are missing from the study data but nevertheless experience problems with fintech lenders.

Id.

136. *See supra* Table 2.

time period of the dataset. Some of the results are rather striking because of the relatively small number of complaints against fintech lenders relative to all student loan complaints in the CFPB database.

When consumers file complaints with the CFPB, they are required to identify the reason for their complaint from a pre-existing list of choices.[137] In Table 3, we provide a more granular look at the consumer complaint data by describing the raw number of complaints in each category within the sample and what percentage of all complaints that category represents.[138]

As a robustness-check,[139] we also created a "bad faith" variable.[140] We labeled some of the pre-existing CFPB sub-issues as potentially indicative of bad faith when the complaint appeared related to a non-routine matter. This variable is intended to better discern the potential firm behavior that precipitated the complaint.[141] The sub-issue categories we classified as bad faith account for most of the complaints in our sample.

137. *Submit a Complaint*, CFPB, https://bit.ly/3SvhcwQ [https://perma.cc/J8JB-Q8N8] (last visited Aug. 6, 2022).

138. We note that in April 2017, the CFPB changed several product categorizations and its issue and sub-issue categorizations. *See supra* note 121 and accompanying text. We have reconciled the new and old categories by aggregating the discontinued categories with their successor categories. *See id.*; *see also supra* note 123 and accompanying text for more on our methodology.

139. *See infra* Appendix.

140. We note that our classification of what constitutes a bad faith action is debatable, but we based these classifications on a number of the narratives we read in each sub-issue and believe that this variable tells us with some precision about the genesis of the complaint in a way that granular characterizations of firm behavior sometimes cannot.

141. *See infra* Table 3 (including as bad faith complaints related to making misrepresentations to the borrower (i.e., sub-issues category 3, 6, or 9)). We also distinguished the categories based on whether they primarily pertain to actions likely to be taken by a lender or servicer. *See id.* For example, we grouped sub-issues 3, 4, 6, and 9 as examples of complaints implying bad faith practices by a lender and sub-issues 7, 8, 13, 14, and 15 as implying bad faith practices by a servicer. *See id.*

TABLE 3: STUDENT LOAN SUB-ISSUE CATEGORIES

Sub-Issue Category	**Number**	**Percent**	**Bad Faith**
1. Denied a loan	208	0.68	
2. Qualified for a better loan than the one offered	107	0.35	
3. Confusing or misleading advertising	80	0.26	*
4. Problem with the interest rate	23	0.07	*
5. Problem with signing the paperwork	4	0.01	
6. Fraudulent loan	141	0.46	*
7. Trouble with how payments are being handled	6,521	21.25	*
8. Don't agree with the fees charged	2,562	8.35	*
9. Received bad information about your loan	6,595	21.49	*
10. Need information about your loan balance or loan terms	1,417	4.62	
11. Keep getting calls about your loan	1,119	3.65	
12. Problem with customer service	2,577	8.40	
13. Problem lowering your monthly payments	3,861	12.58	*
14. Can't temporarily delay making payments	1,399	4.56	*
15. Can't get other flexible options for repaying your loan	4,047	13.28	*

D. Preliminary Quantitative Analytical Methods

Before analyzing these sub-issues in the aforementioned groups, we analyzed each of these sub-issues using a logistic regression specification. In each model specified, we regressed the binary outcome of a complaint for the sub-issue on the following binary covariates: fintech lender status, for-profit lender status, for-profit servicer status, debt collector status, student loan guarantor status, and an interaction on lender and servicer status to determine the effect of operating in these dual capacities. We have included the notable analyses for these sub-issues below, and we report our estimates in odds ratios for the ease of the reader. That is, the estimates in the tables below are interpretable by their distance from 1.00, with each one-hundredth above or below 1.00 representing a corresponding percentage point of greater or lesser likelihood. For example, as shown in Table 4, fintech lenders were over 28 times more likely to be the subject of a complaint relating to confusing or misleading advertising than traditional lenders.[142] We report this finding at the highest statistically significant levels ($p<0.01$).[143] Moreover, a finding of this magnitude—even controlling for the fact that fintechs account for a much smaller share of the student loan pie than traditional lenders—suggests that fintech firms are extremely susceptible to complaints for "confusing or misleading advertising" and may indeed engage in bad faith practices, at least as far as advertising is concerned.

TABLE 4: LOGISTIC REGRESSION FOR "CONFUSING OR MISLEADING ADVERTISING" IN STUDENT LOANS

VARIABLES	ESTIMATES
Fintech	28.038***
	(20.983)
For-Profit Lender	0.143
	(0.175)
For-Profit Servicer	2.310
	(2.343)
Constant	0.007***
	(0.005)
Observations	17,008
Prob > chi2	0.0075***

Robust standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

Table 5 reports our finding that fintech companies were nearly 94 percent more likely to receive complaints for "how payments are being handled" than traditional lenders, but the result falls just outside of conventional levels of statistical significance when employing robust standard errors ($p<0.074$).[144] That said, the direction and magnitude of the result are unmistakable, indicating that fintech companies are substantially more likely to receive complaints for trouble with how payments are being handled than tradi-

142. With collinear variables omitted from the model.
143. *See infra* Table 4.
144. *See infra* Table 5.

tional lenders.[145] The popular narrative is that fintechs make obtaining or servicing loans easier for borrowers than traditional lenders or servicers.[146] Under this narrative, then, one would assume that because the fintech companies automate their payment processing, fintech companies' payment processing would be superior to their traditional counterparts. This finding cuts against this popular narrative. All else equal and proportional to the complaints received, borrowers interacting with fintechs appear more likely to experience trouble with how their payments are being handled than a borrower interacting with a traditional lender or servicer.

TABLE 5: LOGISTIC REGRESSION FOR "TROUBLE WITH HOW PAYMENTS ARE BEING HANDLED"

VARIABLES	ESTIMATES
Fintech	1.936*
	(0.716)
For-Profit Lender	0.809
	(0.131)
For-Profit Servicer	1.100
	(0.091)
Constant	-0.290***
	(0.041)
Observations	17,008
Prob > chi2	0.0686*

Robust standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

The results shown in Tables 4 and 5 suggest that people using the CFPB's complaint function focus their complaints about fintech companies' shortcomings in the areas of misleading advertising and handling of borrowers' student loan payments. In these sub-issue areas, fintech companies' shortcomings vastly outstrip those of traditional lenders.

Fintech companies were not the only companies that lagged their peers in various sub-issue categories. For-profit lenders and

145. *Id.*

146. Jeremy Abrams, *Fintech Promises Convenience, Speed for the Underprivileged*, BREEZE (Oct. 9, 2020), https://bit.ly/3uAp2uy [https://perma.cc/7P2Z-ZZSM].

servicers also trailed their non-profit and state-owned peers in terms of likelihoods of complaints arising from four categories.[147] Those include (1) disagreements about fees charged to borrowers, (2) receiving bad information about the loan, (3) problems with lowering monthly payments, and (4) a lack of flexible options for repaying student loan debt. We report these findings in Tables 6–9 below.

For the first two categories—disagreement about fees charged to borrowers and receiving bad information about a student loan—we find that for-profit servicers were more than twice as likely as non-profit or state-owned servicers to account for complaints disputing fees charged to a borrower.[148] They are also nearly 70 percent more likely to have a complaint against them about the borrower's receipt of bad information about the loan.[149] Interestingly, for-profit lenders were more than 2.5 times more likely to be the subject of complaints relating to problems about lowering monthly payments, but for-profit servicers were roughly 24 percent less likely to have the same type of complaints filed against them.[150] Likewise, for-profit lenders were 42 percent more likely than their non-profit peers to receive complaints about a lack of flexible options for repaying a student loan.[151] But fintech lenders were 63.81 percent less likely than traditional lenders to be the target of the same complaints.[152] However, these last two results fall just shy of conventional levels of statistical significance ($p<0.064$ and $p<0.058$, respectively).[153]

147. *See infra* Tables 6–9.

148. *See infra* Tables 6–7. Fintechs were dropped from observation in Table 7, given that just 7 complaints were made about a borrower disagreeing with the fees charged by the lender, as compared with the over 1,600 complaints made about other lenders or servicers. *See infra* Table 6.

149. *See infra* Table 7.

150. *See infra* Table 8.

151. *See infra* Table 9.

152. *See id.*

153. *See infra* Tables 8–9.

TABLE 6: LOGISTIC REGRESSION FOR "DON'T AGREE WITH THE FEES CHARGED"

VARIABLES	ESTIMATES
For-Profit Lender	0.364***
	(0.087)
For-Profit Servicer	2.008***
	(0.312)
Constant	0.129***
	(0.238)
Observations	16,975
Prob > chi2	0.000***

Robust standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

TABLE 7: LOGISTIC REGRESSION FOR "RECEIVED BAD INFORMATION"

VARIABLES	ESTIMATES
Fintech	1.339
	(0.545)
For-Profit Lender	0.485***
	(0.083)
For-Profit Servicer	1.698***
	(0.166)
Constant	0.290***
	(0.041)
Observations	17,008
Prob > chi2	0.000***

Robust standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

TABLE 8: LOGISTIC REGRESSION FOR "PROBLEM LOWERING MONTHLY PAYMENTS"

VARIABLES	ESTIMATES
Fintech	0.357
	(0.261)
For-Profit Lender	2.526***
	(0.566)
For-Profit Servicer	0.756***
	(0.063)
Constant	0.095***
	(0.020)
Observations	17,008
Prob > chi2	0.000***

Robust standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

TABLE 9: LOGISTIC REGRESSION FOR "CAN'T GET OTHER FLEXIBLE OPTIONS REPAYING YOUR LOAN"

VARIABLES	ESTIMATES
Fintech	0.362*
	(0.264)
For-Profit Lender	1.420*
	(0.287)
For-Profit Servicer	0.941
	(0.084)
Constant	0.133***
	(0.024)
Observations	17,008
Prob > chi2	0.000***

Robust standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

E. Results as Applied to Lenders and Servicers

After drilling down into the specific sub-issues raised by student loan complaints in our sample, we censored the entire sample on the general categories of companies about which the complaints were filed. For example, we focused the next stage of analysis on those companies we identified as lenders and servicers because of the small number of complaints made against debt collection agencies and student loan guarantors relative to these other categories. For this analysis, we employed an OLS regression model, in which the dependent variable was the total number of complaints filed against a company in our sample. The control variables in the model included lender or servicer status, fintech status, for-profit status, and an interaction term for lender-servicers—a model we settled on after running robustness checks for the sensitivity of the model. We found stable coefficients and model fit in such tests, two of which we included in the Appendix. However, for the lender model, we included an additional binary covariate indicating whether the company was publicly traded. In essence, this modeling specification can be used to see correlations among the subcategories of lenders and servicers, which we previously identified, on the total number of complaints in the sample, *ceteris paribus*. That is, this analysis examines, for example, whether a company's for-profit status implies that it will be the target of greater or lesser complaints for student loan issues in the CFPB database and in our sample.

The regression model for the lender group shown in Table 10, including lender-servicers, indicates that fintech lender status is a highly statistically significant and highly positive predictor of cumulative complaint totals—but only about two-thirds as much as lender-servicer status or publicly traded lender status.[154] Yet, as we saw descriptively above, this is not exactly the case, given that fintechs receive about as many complaints as some traditional lenders and servicers but vastly less than the largest lenders and servicers in the sector.[155] Given the magnitude of these estimates, this finding suggests that fintech status is highly predictive of cumulative complaint totals, but not as predictive as whether the company about which the complaint is made is publicly traded or purely a servicer. Our corresponding robustness-check models show the specter of bad faith dealings is also a statistically significant and positive predictor of a high cumulative complaint total. However, it

154. *See infra* Table 10.
155. *Id.*

is not directionally as strong as any of the three aforementioned categories. Finally, the model appears to have corrected to the mean to counterbalance the dramatic positive magnitude, both with the highly statistically significant and highly negative coefficient estimates of for-profit lender status and in the constant estimate. Essentially, this model indicates that publicly traded lenders, lender-servicers, and fintech lenders are the targets of a disproportionate amount of student loan complaints, relative to their representative share in our sample.

TABLE 10: COMPLAINT TOTAL OLS REGRESSION FOR LENDERS

VARIABLES	ESTIMATES
Fintech	7,048***
	(371.5)
For-Profit Lender	-4,491***
	(236.8)
Publicly Traded	11,572***
	(179.7)
Servicer	11,634***
	(83.13)
Constant	-5,216***
	(158.1)
Observations	19,682
R-squared	0.611

Robust standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

In the regression model for the servicer group shown in Table 11, fintech lender-servicers are the subject of a dramatically lower share of complaints, proportionately, than their traditional servicer peers at the highest statistically significant levels.[156] Somewhat counterintuitively, given the results with the lender group, for-profit servicer status has a highly statistically significant and highly positive impact on cumulative servicer complaints. By contrast, the in-

156. *See infra* Table 11. The robustness-check model in the Appendix also demonstrates that bad faith dealings have a statistically significant and positive relationship with cumulative servicer complaints, but its effect is modest when compared with the other covariates. *See infra* Appendix.

teraction term for lender-servicers was not statistically significant (likely because its effect was removed by the presence of fintech lender-servicers) and thus omitted from presentation in the model. Together, these results suggest that fintech lenders receive a high frequency of complaints, while fintech servicers do not. Furthermore, it speaks to our earlier findings in Tables 4–9 and the common narrative that fintech firms may indeed have optimized the servicing side of the student loan market but have a long way to go on the lending side.[157]

TABLE 11: OLS REGRESSION FOR SERVICERS

VARIABLES	ESTIMATES
Fintech	-14,115***
	(538.61)
For-Profit Servicer	13,307***
	(89.56)
Constant	830***
	(86.08)
Observations	17,012
R-squared	0.571

Robust standard errors in parentheses
*** $p<0.01$, ** $p<0.05$, * $p<0.1$

In all, we observe that student loan borrowers submit complaints about fintech companies regarding their lending more often than about their servicing of student loans. A good deal of the complaints are about perceived problems with the advertising of the loans. Overall, the share of lender complaints against lender-servicers and publicly traded lenders is vast, and these two statuses account for the largest share of complaints against lenders. Although most of our data relate to federal loans and not private loans, these federal loans are frequently consolidated—or refinanced—with private loans. Thus, our dataset allows us to draw important associational conclusions about both federal and private loans.

157. *See* Abrams, *supra* note 147; *see also supra* Tables 4–9.

CONCLUSION

The CFPB consumer complaint database offers an incredibly useful lens through which to view the perennial discourse about access to credit, as well as the role that fintech market entrants, traditional lenders, and traditional loan servicers play within credit markets. Neither of these groups always do right by the consumer of a student loan, and neither group is immune to the complaints. Our analyses of student loan complaints to the CFPB demonstrate that fintech lenders, publicly traded lenders, and fintech lender-servicers are the targets of a disproportionate amount of student loan complaints.[158]

Additionally, fintech lenders lead all lender groups by a very wide margin in terms of their propensity to receive confusing or misleading advertising complaints. This fact is borne out in the proportion of complaints about recruiting tactics that lock-in borrowers to payment plans and interest rates that spawn their complaints and often continue through the loan servicing period. Once again, it is worth noting that complaints are not likely to represent minor grievances "that are easily resolved between the customer and the financial institution. Rather, they range from a customer's allegation of serious failing in customer service to claims of egregious exploitative behavior by the financial institution."[159] We find evidence of this range of complaints being greater for fintech market participants in the student loan space in our quantitative analysis.

Our results suggest that fintech companies operating in the lender space receive a high frequency of complaints in certain subcategories relative to their overall representation in the CFPB database. Yet, fintech firms operating purely in the servicer space do not receive quite as high of a proportional volume of complaints as compared to traditional servicer competitors.

Although reviewing consumer complaint narratives was beyond the scope of our current analysis, we observe that the narratives contained in the CFPB database further bear out these findings.[160] Fintech lenders and lender-servicers occupy an outsized share of the complaint data relative to their market share but only for certain complaint categories. In other words, federal regulation

158. These entities are disproportionately complained about relative to other lender and servicer typologies based on their proportion of the total share of complaints in the CFPB consumer complaint database.

159. Begley & Purnanandam, *supra* note 27.

160. *See* Matthew Adam Bruckner, Christopher J. Ryan & Jay Ramger, Student Loan Complaints in the CFPB Consumer Complaint Database: A Qualitative Analysis (unpublished manuscript) (on file with authors).

of the credit market has apparently not staunched the problems student loan borrowers encounter when interacting with fintech lenders or lender-servicers. Yet, fintechs may have optimized certain elements of the student loan market and will continue to be a major player in the sector. Alternatively, fintechs may have only optimized their ability to screen out potential "nudniks" to avoid showing up in the CFPB database.[161]

* * *

161. *See* Arbel & Shapira, *supra* note 32.

APPENDIX

TABLE 1A: FINTECH COMPANIES IN CFPB DATASET (BY COMPLAINT VOLUME)

Social Finance, Inc.	72
LendKey Technologies, Inc.	27
Earnest, Inc.	22
CommonBond, Inc.	7
Climb Credit, Inc.	6
College Ave. Student Loan Servicing, LLC	6
LoanHero, Inc.	2
Goal Structured Solutions, Inc.	2

TABLE 2A: COMPLAINT TOTAL OLS REGRESSION FOR LENDERS

VARIABLES	ESTIMATES
Fintech	7,015***
	(372.0)
For-Profit Lender	-4,485***
	(236.8)
Publicly Traded	11,578***
	(179.6)
Bad Faith Lender	258.4***
	(69.44)
Servicer	11,627***
	(83.13)
Constant	-5,269***
	(158.7)
Observations	19,682
R-squared	0.611

Robust standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

TABLE 3A: OLS REGRESSION FOR SERVICERS

VARIABLES	ESTIMATES
Fintech	-14,081***
	(538.9)
For-Profit Servicer	13,305***
	(89.44)
Bad Faith Servicer	346.3***
	(49.47)
Constant	610.4***
	(91.53)
Observations	17,012
R-squared	0.573

Robust standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

TABLE 4A: ALL COMPANIES IN OUR DATASET (Alphabetically)

77 Elite
Access Group, Inc.
ACS Education Services
AES/PHEAA
Alaska Commission on Postsecondary Education
Ability Recovery Services, LLC
Account Control Technology, Inc.
Action Financial Services, LLC
Allied Interstate, LLC
Alorica, Inc.
American Student Assistance
Ameritech Financial
Arete Financial Group
Ascendium Education Group
Asset Recovery Solutions, LLC
Automated Collection Services, Inc.
Bank of America, National Association
Brazos Higher Education Authority, Inc.
Bass & Associates, P.C., Attorneys at Law
Blitt and Gaines, P.C.
Brelvis Consulting, LLC
Capital One Financial Corporation
Citibank, N.A.
Citizens Financial Group, Inc.
CL Holdings, LLC
Coast Professional, Inc.
Congress Collection Corp.
Credit World Services, Inc.
Campus Student Funding, LLC
Capital Management Services, LP
Ceannate
Clarfield, Okon, Salomone and Pincus, P.L.
Clear Start Today

Climb Credit, Inc.
Cognition Financial Corporation
Collection Technology Incorporated
College Assist
College Ave Student Loan Servicing, LLC
College Foundation, Inc.
College Loan Corporation
CommonBond, Inc.
Constar Financial Services, LLC
Continental Services Group, Inc. d/b/a ConServe
Credit Adjustments, Inc.
D. Scott Carruthers
Discover Bank
Doan Solutions
Delta Management Associates, Inc.
Deutsche Bank
Diversified Consultants, Inc.
Dream Center Education Holdings
East West Bank
ECMC Group, Inc.
EDvantage LLC
EOS Holdings, Inc.
EQUIFAX, INC.
Earnest, Inc.
Eastern Revenue, Inc.
EdFinancial Services
Equitable Acceptance Corporation
Experian Information Solutions, Inc.
Express Aviation
F.H. Cann & Associates, Inc.
First Consumer, LLC
First Republic Bank
Fast Track Servicing
Federated Student Loan Services
Fedloan Help
Financial Asset Management Systems, Inc.

Financial Assistance, Inc.
First Associates Loan Servicing, LLC
Forster & Garbus, LLP
GC Services Limited Partnership
Global Client Solutions, LLC
Granite State Management & Resources
Great Lakes
Genesis Lending
Georgia Student Finance Authority
Goal Structured Solutions, Inc.
Gurstel Law Firm, P.C.
Heartland Payment Systems, Inc.
Higher Education Student Assistance Authority (HESAA)
Hauge Associates, Inc.
Higher Education Servicing Corporation, Inc.
Higher Level Processing
Iowa Student Loan Liquidity Corporation
Immediate Credit Recovery
Innovis
Integrity Asset Partners, Ltd.
Integrity Group, Inc.
J & B Endeavors, LLC
J J Marshall & Associates, Inc.
JNR Adjustment Company, Inc.
JPMORGAN CHASE & CO.
Javitch, Block & Rathbone, LLC
KEYCORP
Kentucky Higher Education Assistance Authority
Kohn Law Firm S.C.
LCS Financial Services Corporation
LOAN TO LEARN
LTD Financial Services, LP
La Casa Bonita Investments
Law Office of Michael J. Scott, P.C.
LendKey Technologies, Inc.
Levy and Associates, LLC

Loan Science, LLC
LoanHero, Inc.
Massachusetts Educational Facilities Authority
MOHELA
MRS BPO, LLC
Machol & Johannes, LLC
Manhattan Beach Venture, LLC
Mayan, LLC
Monterey Financial Services, LLC
Navy Federal Credit Union
NEW YORK STATE HIGHER EDUCATION SERVICES CORPORATION (HESC)
NRA Group, LLC
National Budget Planners of South Florida, Inc.
National Collection Systems, Inc.
National Credit Services, Inc.
National Education Servicing, LLC
National Enterprise Systems, Inc.
National Recoveries, Inc.
National Recovery Solutions, LLC
National Student Debt Advisory Corp.
Nations Recovery Center
Nationwide Doc Prep, Inc.
Navient Solutions, LLC
Nelnet, Inc.
Nelson Cruz & Associates, LLC
New Mexico Educational Assistance Foundation
Northstar Location Services, LLC
Oliphant Financial, LLC
Oklahoma Student Loan Authority
Omega RMS, LLC
Overton, Russell, Doerr and Donovan, LLP
Pentagon Federal Credit Union
People's United Bank, National Association
PMMC and Associates, LLC
PNC Bank N.A.

Partners Financial Services, Inc.
Patenaude & Felix APC
Pave, Inc.
Performance SLC
Performance Settlement, LLC
Performant Financial Corporation
Phoenix Financial Services, LLC
Premier Student Loan Center
Primary Financial Services, LLC
Professional Bureau of Collections of Maryland, Inc.
Quick Debt Services, LLC
R3 Processing
RMS-Recovery Management Services, Inc.
Radius Global Solutions, LLC
Real Time Resolutions, Inc.
Red Bishop, LLC
Reliant Capital Solutions, LLC
RevCrest, Inc.
Rhode Island Student Loan Authority
Riverwalk Financial Corporation
Security Credit Systems, Inc.
SIMM Associates, Inc.
SLM Corporation
SRA Associates, Inc.
Student Assistance Foundation
Sunrise Credit Services, Inc.
Suntrust Banks, Inc.
Schachter Portnoy, LLC
Settle It, Inc.
Shermeta Law Group, PLLC
Social Finance, Inc.
South Carolina Student Loan Corp.
Southern Management Systems, Inc.
Special Financing Company, LLC
Stephens and Michaels Associates, Inc.
Stillman Law Office

Strada Education Network, Inc.
Student Aid Experts
Student Assist Plus, LLC
Student Funding Corporation of America, Inc.
Student Loan Care, LLC
Student Loan Direct
Student Loan Finance Corporation
Student Loan Financial Assistance
Student Loan Processing Direct, Inc.
Student Loans Consolidated, Inc.
Student Zoom, LLC
Texas Higher Education Coordinating Board
Transunion Intermediate Holdings, Inc.
Transworld Systems, Inc.
Texas Guaranteed
The Allen Daniel Associates, Inc.
The Regional Adjustment Bureau, Incorporated
TimeMark Solutions, Inc.
Todd, Bremer & Lawson, Inc.
Total Debt Assistance Group
Troy Capital, LLC
U.S. Bancorp
United Guaranty Corporation
United Services Automobile Association
United Student Loan Solutions
URS Holding, LLC
USCB Corporation
USI Solutions, Inc.
Unisa, Inc.
United Student Aid (USA) Funds
United Student Loan Assistance Center
Universal Account Servicing, LLC
Utah System of Higher Education
Van Ru Credit Corporation
Vermont Student Assistance Corporation
Wells Fargo & Company

Weltman, Weinberg & Reis Co., L.P.A.
Wetsch Abbott Osborn Van Vliet PLC
Williams & Fudge, Inc.
Windham Professionals, Inc.
Works & Lentz of Tulsa, Inc.
Zions Bancoporation
Zwicker & Associates